



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** March 27, 2012

From: Lori Lamson **Item No:** 7
Acting Director of Community Development

Subject: APPEAL (NO. 2012-01) OF THE PLANNING COMMISSION'S DENIAL OF GENERAL PLAN AMENDMENT NO. 2010-02, A REQUEST FOR APPROVAL OF A GENERAL PLAN AMENDMENT TO CHANGE THE CURRENT LAND USE DESIGNATION OF (R-E) RESIDENTIAL ESTATE (1 DU PER 1 TO 2.5 GROSS ACRES) TO (R-SF) RESIDENTIAL SINGLE-FAMILY (1 DU PER 0.4 TO 0.9 NET ACRES), DENIAL OF ZONE CHANGE NO. 2010-02 FROM THE CURRENT ZONING DESIGNATION (R-E) RESIDENTIAL ESTATE (1 DU PER 1 TO 2.5 GROSS ACRES) TO (R-SF) RESIDENTIAL SINGLE-FAMILY (1 DU PER 0.4 TO 0.9 NET ACRES) ZONING DESIGNATION, AND DENIAL OF TENTATIVE TRACT MAP NO. 18763, A REQUEST TO SUBDIVIDE THE APPROXIMATELY 135 ACRES INTO 168 SINGLE-FAMILY LOTS AND TEN (10) ACRE PARK/RETENTION BASIN.

Applicant: Mr. Chris Morgan for United Engineering Group

Location: Southwest corner of Sitting Bull Road and the extension of Deep Creek Road.
APNs: 3087-161-05 and 09

T.M. Approval: _____ **Budgeted Item:** Yes No N/A

RECOMMENDED ACTION:

Move to open the public hearing and take testimony.

Close the public hearing. Then:

1. Find that, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15270 (a), a project which is denied is Exempt from CEQA.
2. Find that, the facts presented within the staff report for the Council hearing of March 27, 2012, including the comments of the public and Planning Commissioners as reflected in the Planning Commission Meetings minutes of January 18, 2012 to deny Appeal No. 2012-01.
3. Deny General Plan Amendment No. 2010-02, Zone Change No. 2010-02 and Tentative Tract Map No. 18763

SUMMARY:

The applicant for General Plan Amendment No. 2010-02, Zone Change No. 2010-02 and Tentative Tract Map No. 18763 is appealing the Planning Commission's January 18, 2012 denial based on a 2-2 split vote of the proposed project.

ANALYSIS:

On January 18, 2012, the Planning Commission conducted a public hearing on General Plan Amendment No. 2010-02, Zone Change No. 2010-02 and Tentative Tract Map No. 18763. Following consideration of the information within the staff report, the public hearing and discussion, the Planning Commission failed to reach a consensus, and the vote ended with a 2-2 tie. Chairman Tinsley was absent. Rather than continue the item so a full Commission could be present, the applicant requested a vote be taken and the matter go before the Town Council for consideration. Attached is a draft Resolution denying the project, provided for the Council's consideration (Attachment No. 2).

The Appeal application (attached) explains the reasons why the applicant believes the Appeal should be granted that would change the General Plan and Zoning from R-E to R-SF and to subdivide the 135 acres into 168 lots. In summary, the applicant cites similarity in surrounding land use designations and the direction they received from the General Plan Advisory Committee (GPAC). The applicant has also included additional information addressing the traffic concerns raised by the Commissioners Shoup and Hernandez.

It is standard practice on appeal applications that the staff report presented to the Council be consistent with the Planning Commission determination. In keeping with this practice, staff has provided a recommendation for denial consistent with the Planning Commission's determination. Also, in keeping with standard practice, and if the original staff recommendation to the Planning Commission was for approval, staff has submitted with this staff report the original Findings for approval. This is also appropriate in view of the fact the denial is based on a 2-2 vote and the subject area was discussed by the GPAC.

Should the Town Council take action to approve this Appeal, it would be appropriate for the Council to also approve the attached draft Resolutions overturning the Planning Commission denial and Ordinance (Attachments Nos. 5, 6, & 7). If approving the Appeal the Conditions of Approval and Adopted the Mitigated Negative Declaration, as provided within the January 18, 2012 Planning Commission staff report, should also be approved.

FISCAL IMPACT:

Not Applicable

Attachments:

1. Draft Resolution No. 2012-12
2. Appeal application
3. Draft Minute excerpts from the January 18, 2012 Planning Commission meeting
4. Planning Commission staff report
5. Draft Resolution No. 2012-13
6. Draft Resolution No. 2012-14
7. Draft Ordinance No. 434

TOWN COUNCIL RESOLUTION No. 2012-12

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, DENYING GENERAL PLAN AMENDMENT AND ZONE CHANGE NO. 2010-02 A REQUEST TO CHANGE THE CURRENT LAND USE DESIGNATION AND ZONING OF (R-E) RESIDENTIAL ESTATE (1 DU PER 1 TO 2.5 GROSS ACRES) TO (R-SF) RESIDENTIAL SINGLE-FAMILY (1 DU PER 0.4 TO 0.9 NET ACRES), APNs: 3087-161-05 and 09

WHEREAS, United Engineering Group, submitted Appeal No. 2012-01, requesting that the Town overturn the Planning Commission denial of General Plan Amendment and Zone Change No. 2010-02; and

WHEREAS, the Town of Apple Valley Planning Commission considered the project at their January 18, 2012 meeting and is forwarding a recommendation of denial based on a 2-2 split vote; and

WHEREAS, on February 16, 2012, Appeal No. 2012-01, General Plan Amendment No. 2010-02, Zone Change No. 2010-02 and Tentative Tract Map No. 18763 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, The Town Council conducted a duly noticed public hearing on March 27, 2012 and heard all testimony of any person wishing to speak on the issue and considered the written recommendation of the Planning Commission on the matter; and

WHEREAS, California Environmental Quality Act (CEQA) does not no environmental review is required for denial of a project.

NOW, THEREFORE, BE IT RESOLVED, that in consideration of the evidence received at the public hearing, and for the reasons discussed by the Town Council at said hearing, the Town Council of the Town of Apple Valley, California orders, determines and resolves as follows:

Section 1. The Town Council hereby denies Appeal No. 2012-01 based upon the determination that the proposed project would adversely affect surrounding properties due to increases in traffic on Sitting Bull Road and increase in density.

Section 2 The Town Council hereby denies Appeal No. 2012-01, that would have overturned the Planning Commission denial of General Plan Amendment No. 2010-02, Zone Change No. 2010-02 and Tentative Tract Map No. 18763.

Section 3. Effective Date. This Resolution shall become effective immediately upon adoption by the Town Council of the Town of Apple Valley.

ADOPTED and **APPROVED** by the Town Council and signed by the Mayor and attested to by the Town Clerk this 27th day of March, 2012.

ATTEST:

Honorable Barb Stanton, Mayor

Ms. La Vonda M. Pearson, Town Clerk



Town of Apple Valley Appeal Application



This request must be filed with the Planning Division within ten (10) calendar days following the date of action. An Appeal request received after this time *will not be accepted*. Appeals requiring Town Council consideration will be forwarded to the Town Clerk by the Director.

FOR TOWN USE ONLY

Date Submitted: 1/30/12 Case No.: APL 2012-01 Received By: CM
 Planning Fee: 224. Other Fees: _____ Case Planner: CM

Type or print legibly in ink only

PROPERTY ADDRESS :SWC of Sitting Bull Road and the Extension of Deep Creek Road

FEE

	Initial Deposit	Actual Cost not to exceed
<input type="checkbox"/> Appeal Fee – To Planning Commission	\$224.00	\$224.00
<input checked="" type="checkbox"/> Appeal Fee – To Town Council	\$224.00	\$224.00

The Appeal Fee does not apply to permits the Planning Commission acted to revoke or amend.

APPELLANT INFORMATION

Name Chris Morgan on behalf of Apple Valley & Sitting Bull, LLC Telephone 909-466-9240
 Fax 909-989-8401 Email cmorgan@unitedeng.com
 Address 3595 Inland Empire Blvd, Suite 2200
 City Ontario State CA Zip 91764

PROJECT INFORMATION

Project Number Being Appealed GPA/ZC No. 2010-02 And Tentative Tract Map No. 18763
 Project Description A request to change the General Plan and Zoning from R-E to R-SF and a proposed Tentative Tract Map to subdivide 134 acres into 168 lots.

Assessor's Parcel No. (s) 3087-161-05 & 09 Tract _____ Lot _____

APPEAL STATEMENT

1. I am/We do hereby appeal the findings/conditions/interpretations of the Town of Apple Valley:
 (Check one)
- | | |
|---|-------------------------|
| <input checked="" type="checkbox"/> Planning Commission | _____ Planning Director |
| _____ Public Works Director | _____ Building Official |
| _____ Town Engineer | _____ Fire Chief |

The Town of Apple Valley
 1455 Dale Evans Parkway, Apple Valley, CA 92307 • (760) 240-7650 • Fax: (760) 240-7399
 Appeal Application (Effective July 1, 2008 - Resolution 2008-30) Rev. 07/08

2. I/We appeal to the Town of Apple Valley:
(check one)
 Planning Commission Town Council
3. I/We am/are appealing the project action taken to:
(Check those which apply)
 Deny the project Adopt a Negative Declaration
 Approve the project
 *Approve the project condition of (specify):

Other: _____
4. Detail what is being appealed and what action or change you seek. Specifically address the findings, mitigation measures and/or policies with which you disagree. Also state exactly what action/changes you would seek.
 See the attached Letter with attachment

I/We understand that as appellant I/We have the burden of proof in this matter:



Signature

Signature

Date 1/27/12

January 30, 2012

Town of Apple Valley
c/o Lori Lamson
Planning Dept
14955 Dale Evans Pkwy
Apple Valley, CA 92307

RE: Appeal of January 18, 2012 Planning Commission findings for General Plan Amendment/Zone Change No. 2010-02 and Tentative Tract Map No. 18763 ("Project")

Dear Ms. Lamson,

At the January 18th Planning Commission Hearing, Commissioners Hernandez and Shoup cited the following reasons for not supporting this Project (also recited in the attached Daily Press Article from Rene De LA Cruz) which are not supported by the record or consistent with the history of this Project and addressed below:

- **As the General Plan Advisory Committee (GPAC) already considered this area in adopting the current General Plan, the Planning Commission should not recommend changes inconsistent with that General Plan.**
- **Increased traffic generated by the Project is not addressed and will increase traffic problems in the area.**
- **The Project will compromise the safety of Sitting Bull School students.**
- **The requested use is for "Spot Zoning".**
- **The Town will be at risk as the Project may only be partially constructed.**

I. **GPAC Actions**

Commissioner Hernandez stated this Project should not be approved as not consistent with the recently revised General Plan and corresponding GPAC recommendations. That position fails to accurately take into account what the GPAC actually discussed and intended by not changing the Estate Residential designation for this Project.

- a. The GPAC recommendation was *not* that this area should be *developed as Estate Residential*, but that *it should be designed to transition density* to adequately buffer Commercial and Office Professional zoning

recommended along Apple Valley Road and Bear Valley Road. That recommendation is clearly stated in GPAC's public meeting record, including:

1. April 14th, 2008 Hearing (starting at roughly 50 minute mark) where GPAC discusses Section 31:

- a. **54:20** *"My concern is not with the regional commercial, my concern is what we are trying to designate behind it. Because we're proposing to put...create the same thing that I was trying to eliminate across the street at the Home Depot situation where you have a regional commercial use and then single family residential right behind it. I'd like to see, and I'm not yet sure on the land use, some kind of a transitional land use from high intensity regional commercial before you get to single family."*

GPAC Members then discuss how to properly buffer the commercial, including recognizing what our Project could involve and clearly indicating it would be our responsibility to buffer the newly created intense uses.

- b. **1:01:28**

- *"If we left it equestrian the owner would be more apt to move toward a specific plan to get the higher ratio."*
- *"Which might be a better option."*
- *"If you leave it alone then they bring something that we like."*
- *"But it would also allow him an increase of density over that of 1/2 acre."*
- *"But still, that's a project decision when the project comes."*
- *"And it could be done either as a general plan amendment or as a general plan amendment and specific plan. Theoretically a tract map with half acre lots would only require a general plan amendment."*

- 1:07:20**

- *"I'm a believer in property rights, and when you're taking this property now and you're rezoning next to him all of this commercial and office professional, all of the other properties surrounding him is already half acre lots."... "What I'm saying is property north of it is half acre, property east of it is half acre and you're changing the commercial which is affecting his property value because he has residential next to commercial. Which makes it less valuable and I think that if the half acres, if that is*

what the gentleman really wants then I think we ought to let them have the half acres.”

- *“I’m under the opinion that he can propose his own zone change and show us the buffering at that time.”*

GPAC clearly intended to allow for an application, such as for this Project, to come forward *after* the General Plan was updated, and that the primary concern was needed buffering of the various area uses created by the General Plan.

2. April 28th, 2008 Hearing (starting at roughly one hour mark) discusses Section 31, including key comments by GPAC Members after our presentation:

c. 1:10:00

- *“This is exactly what we discussed last time. Everything he is discussing....He is speaking of things that need to be conditioned at a more precise plan. I’m comfortable leaving the land use we designated last time, and wait for a more specific project.”*
- *“I would like to discuss this just a few minutes, the only thing that I have an objection, and I know we said this before on the residential estate, but people that have been putting maps forward have been told to wait until the General Plan Amendment and they could have been processing their map already, with their park and everything. And I think that they have been put on hold and I don’t see a problem with the R-SF, it’s surrounded by R-SF, and they have a park designated already, and I think that we are creating undue hardship on them by stopping them from being able to do it in the past...”*

There is then discussion, including by us, clearly expressing the GPAC intent that this General Plan and Zone Change should come forward as a project-specific request.

- b. The GPAC discussions clearly identified a needed transition and buffering between the commercial and residential use properties, however, rather than address in their General Plan recommendation, they advocated subsequent processing of projects, such as this Project, to specifically address that need. Any Town action now finding the Project cannot proceed due to the GPAC actions may also effectively constitute or ratify a “Reverse Spot Zoning” by allowing increased intensity uses on around this Project while denying development of this Project in manner compatible with those uses.

In stating ultimate land uses for Section 31 had not been properly addressed, GPAC clearly anticipated projects such as ours would be subsequently proposed, and instructed

us to bring forward a specific project to address, among other things, the needed transition and buffering for the surrounding commercial and residential uses. As this Project clearly addresses that need, the Council must recognize past actions by GPAC do not support, and should not be sufficient reason for, denial (notwithstanding such finding by the Planning Commission), but *rather require objective review of our Project as we are following the specific direction given by the GPAC*. The Council should, in considering the Project, address the need voiced by GPAC, in not changing the whole Section to R-SF initially, for projects providing buffering necessitated by the commercial uses in the area. This Project addresses those concerns, and is compatible and complementary to both existing and proposed uses in the area.

II. Increased Traffic, especially along Sitting Bull and Apple Valley Roads.

Commissioners Shoup and Hernandez also cited traffic concerns along Sitting Bull as a reason for not supporting the Project, and questioned why our Traffic Study did not analyze traffic associated with the School.

- a. *First, the Project reduces the traffic along Sitting Bull.* The construction of Deep Creek Road will provide an alternative route for traffic trying to get from Sitting Bull Road to Bear Valley Road. The Traffic Letter identifies a *reduction of 25% of the westbound traffic on Sitting Bull Road* as that traffic will turn left onto Deep Creek to reach Bear Valley Road. Also there will be a *reduction of 20% of the right turn traffic at Apple Valley and Sitting Bull Road*. These reductions will greatly help alleviate traffic conditions at the School and intersections along Apple Valley Road. Based on discussions with the City Engineer (after the Planning Commission Hearing), the Project is willing to construct the Deep Creek Connection as a condition of its First Phase, which will accelerate reduction of traffic on Sitting Bull Road. (Please see attached Letter from Traffic Engineer).
- b. When Commissioner Shoup questioned why our Traffic Study did not analyze School traffic, the Town Engineer indicated our Study did not and explained why school traffic is typically not addressed in such studies. *Our Study does consider morning school traffic*, confirming that, even though morning School drop-off corresponds to peak morning commuter traffic, the Project will not adversely impact the intersection of Sitting Bull and Apple Valley Roads. Afternoon School pick-up is not analyzed as occurring during non-peak traffic flow (around 2:30 P.M.). The existing School traffic problem is not traffic flow burdening Sitting Bull Road and the intersection with Apple Valley Road, but rather stacking at and in the vicinity of the School (cars waiting to pick up students), which is an existing condition not created by this Project and therefore not typically required to be addressed. However, following the Planning Commission Hearing and after discussion with our traffic engineer, the Project is willing to build a bay along the Sitting Bull Road frontage for waiting cars out of the lane of travel. (See attached letter from our Traffic Engineer).

what the gentleman really wants then I think we ought to let them have the half acres.”

- *“I’m under the opinion that he can propose his own zone change and show us the buffering at that time.”*

GPAC clearly intended to allow for an application, such as for this Project, to come forward *after* the General Plan was updated, and that the primary concern was needed buffering of the various area uses created by the General Plan.

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- *“I would like to discuss this just a few minutes, the only thing that I have an objection, and I know we said this before on the residential estate, but people that have been putting maps forward have been told to wait until the General Plan Amendment and they could have been processing their map already, with their park and everything. And I think that they have been put on hold and I don’t see a problem with the R-SF, it’s surrounded by R-SF, and they have a park designated already, and I think that we are creating undue hardship on them by stopping them from being able to do it in the past...”*

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- b. The GPAC discussions clearly identified a needed transition and buffering between the commercial and residential use properties, however, rather than address in their General Plan recommendation, they advocated subsequent processing of projects, such as this Project, to specifically address that need. Any Town action now finding the Project cannot proceed due to the GPAC actions may also effectively constitute or ratify a “Reverse Spot Zoning” by allowing increased intensity uses on around this Project while denying development of this Project in manner compatible with those uses.

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DRAFT
MINUTES EXCERPT

**TOWN OF APPLE VALLEY
PLANNING COMMISSION
Regular Meeting
January 18, 2012**

CALL TO ORDER

At 6:01 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for January 18, 2012, was called to order by Vice-Chairman Cusack.

ROLL CALL

Planning Commission

Roll call was taken with the following members present: Commissioner David Hernandez, Commissioner Jason Lamoreaux, Commissioner Mark Shoup, and Vice-Chairman Larry Cusack. Absent: Chairman B.R. "Bob" Tinsley.

STAFF PRESENT

Lori Lamson, Assistant Director of Community Development; Carol Miller, Senior Planner; Richard Pederson, Deputy Town Engineer; Haviva Shane, Town Attorney; and Debra Thomas, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

Commissioner Shoup led the Pledge of Allegiance.

1. APPROVAL OF MINUTES

A. Minutes for the Regular Meeting of November 16, 2011.

Motion by Commissioner Lamoreaux, seconded by Commissioner Shoup, to approve the Minutes for the Regular Meeting of November 16, 2011.

Motion carried by the following vote: Ayes: Commissioner Hernandez, Commissioner Lamoreaux, Commissioner Shoup, and Vice-Chairman Cusack. Noes: None. Absent: Chairman Tinsley. Abstain: None.

PUBLIC HEARING ITEMS

- 2. General Plan Amendment No. 2010-02, Zone Change No. 2010-02 and Tentative Tract Map No. 18763.** A request to approve a General Plan Amendment to change the current Land Use designation of (R-E) Residential Estate (1 DU per 1 to 2.5 gross acres) to (R-SF) Residential Single Family (1 DU per 0.4 to 0.9 net Acres) and a Zone Change from the current Zoning designation (R-E) Residential Estate (1 DU per 1 to 2.5 gross acres) to (R-SF) Residential Single Family (1 DU per 0.4 to 0.9 net Acres) Zoning designation.

Applicant: Mr. Chris Morgan for United Engineering Group
Location: Southwest corner of Sitting Bull Road and extension of Deep Creek Road, APNs: 3087-161-05 and 09.

Vice-Chairman Cusack opened the public hearing at 6:03 p.m.

Ms. Carol Miller, Senior Planner presented the staff report as filed by the Planning Division.

Commissioner Lamoreaux questioned why the zoning for the area was not considered during the General Plan Amendment adopted back in 2010.

Ms. Lori Lamson, Director of Community Development, informed the Planning Commission that the General Plan Advisory Committee ("GPAC") had initially received a request from the applicant to modify the General Plan Land Use designation. However, since the project was in a conceptual state, the GPAC preferred to review the project as a whole at a later date.

Commissioner Lamoreaux had concerns about the drainage in the area.

Mr. Richard Pederson, Deputy Town Engineer, informed the Planning Commission that the applicant had submitted a drainage study, and it was consistent with the Master Plan of Drainage.

Mr. Chris Morgan, United Engineering Group, described how the drainage would work in the proposed project area.

Commissioner Shoup asked if a study had been completed to identify how traffic would impact the area.

Mr. Pederson indicated no study was completed.

Commissioner Hernandez asked what the level of service would be at Sitting Bull Road and Apple Valley Road.

Mr. Pederson explained to the public what the definition of "traffic level of service" and identified the level of service for the area.

Mr. Morgan submitted his presentation to the Planning Commission.

PUBLIC COMMENTS

Opponents to applicant's request for General Plan Amendment No. 2010-02, Zone Change No. 2010-02 and Tentative Tract Map No. 18763 were as follows:

Ms. Bonita Rouch, Apple Valley
Mr. Bob Sagona, Apple Valley
Mr. David Mueller, highdesertpolitics.org
Ms. Millie Huntley, Apple Valley
Mr. Scott Vanderzyl, Apple Valley

Mr. Frank Weatherspoon, Apple Valley, withdrew his request to speak.

Mr. Michael Wolff, Apple Valley, was a proponent for the project.

Mr. William Furmage, Apple Valley, requested the applicant place a bike/skateboard park within the proposed ten (10)-acre park.

Mr. Mike Brewer, Spring Valley Equestrian Estates, Apple Valley, requested the Planning Commission perform full due diligence and place in the contractual agreement a statement preventing the applicant from flipping the property. He also wanted to know how the Planning Commission can identify economic recovery.

Mr. Morgan took a few moments to address each and every concern expressed by the public in attendance. In addition, he described at length how the project will work to benefit the community.

Extensive discussion ensued between the Planning Commission, staff and applicant addressing project concerns and additional proposed Conditions of Approval.

Vice-Chairman Cusack asked whether the applicant agreed to all of the proposed Conditions of Approval.

Mr. Morgan agreed to all proposed Conditions of Approval.

Vice-Chairman Cusack closed the public hearing at 7:52 p.m.

Commissioner Hernandez asked staff how big Deep Creek Road was and wanted to know if it would be a major arterial roadway with a center divider.

Mr. Pederson explained it was a secondary roadway with four (4) lanes.

Commissioner Shoup requested clarification regarding Sitting Bull Road's configuration from Rincon to Apple Valley Road. In addition, he expressed concern as to safety of children in the area of the school considering the inevitable increased traffic. He requested a supplemental traffic impact study be completed.

Mr. Pederson advised that request was beyond what could legally be required of the applicant.

Commissioner Lamoreaux asked if the applicant obtained adequate water rights for the project and wanted confirmation that the water rights would consist of roughly one acre foot per lot.

Ms. Lori Lamson, Assistant Director of Community Development, advised the Planning Commission that the applicant was required to obtain a guarantee from Apple Valley Ranchos Water District ("AVRWD") that this area could be serviced. As part of the General Plan update process, and as required by new legislation, the Town worked with AVRWD in preparing an Urban Water Management Plan for the entire Town. The increase of water useage resulting from this General Plan Amendment and Zone Change, was identified as an issue that was less than significant in the initial study and met CEQA requirements.

Commissioner Hernandez did not recall the proposed project coming before the Planning Commission prior to the General Plan update.

Ms. Lamson stated the Planning Commission initially denied the project without prejudice. The applicant brought a request for consideration of the General Plan Amendment at the time of the General Plan Advisory Committee ("GPAC") meetings. The GPAC was aware of the Planning Commission's denial; however, it felt the applicant should package its request with a specific project. There were several GPAC members who felt this area might warrant the need for changing the designation from R-E to R-SF depending on lot configuration and lot size.

Lengthy discussion ensued questioning why the GPAC did not consider the applicant's request at the time of the General Plan Amendment.

Commissioner Shoup asked why the 100th home built is considered the magic number by which Deep Creek Road would be extended or completed.

Mr. Morgan stated the improvement costs of the project will be significant. It was believed that, once the builder pulls the 100th building permit, the coffers should be replenished and Deep Creek Road would serve as the main entrance to the site.

Vice-Chairman Cusack stated the applicant had presented a project that goes a long way to help mitigate any problems arising from the project itself and surrounding roadways. He did not believe there would be a problem with traffic and understood the project to be beneficial to the Park and Recreation Division and its Master Plan. He believed the project met all the criteria the Town requires in order for the project to proceed.

Commissioner Hernandez had several concerns with the project, He believed the area to be better suited for a Specific Plan because the Planning Commission would know exactly what would happen in the area. He was opposed to the General Plan Amendment as presented.

Commissioner Shoup stated he was opposed to the project. He believed it important to maintain a stock of R-E housing in the Town. Developments on one to 2.5 acres are a lost art in Southern California and becoming less and less. There is an opportunity to maintain that heritage. He did not believe anyone was entitled, by right, to a Zone Change and General Plan Amendment and was concerned if it is approved the R-SF designation will remain in this area indefinitely.

Commissioner Shoup also expressed concern that his questions regarding traffic impacts on the surrounding area, traffic flow and safety for children in the area were not answered satisfactorily and did not believe it was appropriate to change the zoning in the area at this time.

Commissioner Lamoreaux expressed concern the Zone Change for the area was not included in the General Plan Amendment as he believed it to be consistent with the surrounding area. He was more concerned with the buffering problem created going from Commercial use to R-SF use. He did not want the area to have an R-EQ designation as he believed that to be spot zoning. The absent traffic study, as well as the drainage issue concerned him as well; therefore, he recommended additional Conditions be placed on the project.

The Planning Commission held additional discussion based on the overall picture of the proposed project.

MOTION:

Motion by Commissioner Shoup, seconded by Commissioner Hernandez, that the Planning Commission move to:

1. Deny General Plan Amendment No. 2010-02, Zone Change No. 2010-02 and Tentative Tract Map No. 18763.

ROLL CALL VOTE:

Ayes: Commissioner Hernandez
Commissioner Shoup
Noes: Commissioner Lamoreaux
Vice-Chairman Cusack
Abstain: None
Absent: Chairman Tinsley
The motion failed by a 2-2-0-1 vote

MOTION:

Motion by Commissioner Lamoreaux, seconded by Vice-Chairman Cusack, that the Planning Commission move to:

1. Determine that the proposed General Plan Amendment, Zone Change, and Tentative Tract Map will not have a significant effect on the environment with adherence to the Mitigation Measures recommended in the report.
2. Adopt the Mitigated Negative Declaration finding for GPA 2010-02, ZC No. 2010-02, and TTM No. 18763, finding that on the basis of the whole record before the Planning Commission, including the Initial Study and any comments received, there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Town's independent judgment and analysis.
3. Find that the facts presented in the staff report support the required Findings for approval and adopt those findings.
4. Adopt Planning Commission Resolution No. 2012-01 recommending approval of GPA 2010-02 and Zone Change 2010-02.
5. Approve Tentative Tract Map No. 18763, subject to the attached Conditions of Approval, along with the additional requirement that the R-EQ designated requirement recommended by the EQ Commission be removed, and that single story homes be included east of Deep Creek Road.
6. Direct staff to file a Notice of Determination.

ROLL CALL VOTE:

Ayes: Commissioner Lamoreaux
Vice-Chairman Cusack
Noes: Commissioner Shoup
Commissioner Hernandez

Abstain: None
Absent: Chairman Tinsley
The motion failed by a 2-2-0-1 vote

MOTION

Motion by Commissioner Shoup, seconded by Commissioner Hernandez, that the Planning Commission move to approve Planning Commission Resolution No. 2012-01, forwarding a recommendation that the Town Council amend Title 9 “Development Code” of the Town of Apple Valley Municipal Code.

ROLL CALL VOTE:

Ayes: Commissioner Hernandez
Commissioner Lamoreaux
Commissioner Shoup
Vice-Chairman Cusack
Noes: None
Abstain: None
Absent: Chairman Tinsley
The motion carried by a 4-0-0-1 vote

PUBLIC COMMENTS

Ms. Millie Huntley, Apple Valley, CA expressed her disappointment with the Planning Commission’s failure to review the documentation she presented on behalf of the 621 residents that signed a petition contained therein. In addition, she believed there are too many accidents in the area of the proposed development and is opposed to it. She informed the Planning Commission the posted sign announcing the time and location of the Planning Commission meeting was poorly placed and did not believe anyone would have been able to see it easily.

Mr. David Mueller, highdesertpolitics.org, thanked Commissioners Shoup and Hernandez for opposing the proposed project and believed it to be an ill-conceived idea. He also asked to see the applicant’s compliance information under the Urban Water Management Plan.

Mr. Bob Sagona, Apple Valley, expressed his opposition to the project and conveyed suggestions which he believed could sell the lots right now.

PLANNING COMMISSION COMMENTS

Commissioner Shoup believed there was a problem with the placement of the sign and could not understand why it was parallel to the roadway. He would like the sign re-posted and requested it be placed facing traffic to raise awareness in the community when this project is presented to the Town Council.

Commissioner Lamoreaux stated notice of the public hearing was sent out to residents within the 1,000-foot requirement.

Ms. Lori Lamson, Assistant Director of Community Development, assured the Planning Commission the sign will be placed properly to notify the residents of the upcoming Town Council meeting.



TOWN OF APPLE VALLEY PLANNING COMMISSION

Agenda Item No. 2

STAFF REPORT

AGENDA DATE: January 18, 2012

CASE NUMBER: General Plan Amendment No. 2010-02, Zone Change No. 2010-02
Tentative Tract Map No. 18763

APPLICANT: Mr. Chris Morgan for United Engineering Group

PROPOSAL: This is a request for approval of a General Plan Amendment to change the current Land Use designation of (R-E) Residential Estate (1 DU per 1 to 2.5 gross acres) to (R-SF) Residential Single-Family (1 DU per 0.4 to 0.9 net Acres) and a Zone Change from the current Zoning designation (R-E) Residential Estate (1 DU per 1 to 2.5 gross acres) to (R-SF) Residential Single-Family (1 DU per 0.4 to 0.9 net Acres) Zoning designation. Assuming approval of GPA/ZNC No. 2010-02, the applicant has requested to subdivide the total 135 acre site into 168 single-family lots and one (1) lot for the existing Apple Valley Ranchos Water Company well. All lots are single-family residential and will range in size from 18,000 to 45,726 square feet. The project also includes a minimum ten (10) acre park site.

LOCATION: Southwest corner of Sitting Bull Road and the extension of Deep Creek Road. APNs: 3087-161-05 and 09

ENVIRONMENTAL DETERMINATION: Based upon an Initial Study, pursuant to the State Guidelines to implement the California Environmental Quality Act (CEQA) a Mitigated Negative Declaration has been prepared.

CASE PLANNER: Ms. Carol Miller, Senior Planner

RECOMMENDATION: Approval.

PROJECT SITE AND DESCRIPTION

A. Project Size
The property consists of two (2) parcels totaling approximately 135 acres.

B. General Plan Designations

Project Site - Residential Estate (R-E)
Proposed - Residential Single Family (R-SF)
North - Residential Single Family (R-SF)
South - Residential Estate (R-E)
East - Residential Single Family (R-SF)
West - Residential Estate (R-E) and Public Facilities (P-F)

C. Surrounding Zoning and Land Use

Project Site – Residential Estate (R-E), Vacant
Proposed - Residential Single Family (R-SF)
North – Residential Single Family (R-SF), Single-Family Residences
South – Residential Estate (R-E), Vacant
East – Residential Single Family (R-SF), Single-Family Residences
West – Residential Estate (R-E) and Public Facilities (P-F), Public School and Vacant

D. Site Characteristics

The site is currently undeveloped vacant land that has been significantly disturbed due to past agriculture activities, vehicular and pedestrian use, and as such the extent of native vegetation is limited. The site is relatively flat on the western half of the site and has gentle to moderate sloping terrain in the eastern half of the site.

The site is shown on the Important Farmland in California Map as “Other land which does not meet the criteria of any other category”. There are currently no agricultural operations being conducted on the project site. The proposed project’s impact associated with the conversion of State designated farmland from agricultural to non-agricultural uses was considered through application of the California Agricultural Land Evaluation and Site Assessment Model, to have a less than significant impact.

E. Equestrian Advisory Committee Review

The project’s location is currently within the Residential Estate (R-E) zoning designation with a proposal to amend the General Plan and Zoning designation to Residential Single Family (R-SF), which does not allow large animal keeping. The General Plan Recreation Trail System identifies a Lifeline Trail on the north side of Sitting Bull Road; however, due to existing improvements on the north side of Sitting Bull Road, it is not feasible for a lifeline trail to be installed between the school site and existing Deep Creek Road. To ensure connectivity of the Lifeline trail, a trail is proposed on the south side of Sitting Bull Road. Due to the proposed changes in land use designations and trail location standard, the project was forwarded to the Equestrian Advisory Committee for comment at its November 9, 2011 meeting. The Equestrian Advisory Committee considered the proposal and the following comments are being forwarded for Planning Commission consideration for its review of this project.

1. That the Planning Commission maintain equestrian zoning (RE-Q) for large animal keeping on three (3) lots (Lot Nos. 138-140) south of Street T and those lots north of Skyline Drive, east of Deep Creek Road and south of Sitting Bull Road (Streets N, O, L).

2. That the Planning Commission modify the lifeline trail standard along Sitting Bull Road from the required north side of the street to the south side of Sitting Bull adjacent to the project.

F. Park and Recreation Commission Review

At its meeting held on October 6, 2011, the Park and Recreation Commission discussed the project's conceptual plan for the ten (10)-acre park. The recommendation of the Park and Recreation Commission was to recommend approval of the proposed park site, with a requirement for a permanent restroom facility and lighting for the parking lot. The conceptual plan presented to the Commission illustrated the potential for ball fields, BMX area and a parking lot. Regardless of the ultimate design of the park, the design must not interfere with drainage and storm water retention capacity.

ANALYSIS:

A. General – General Plan Amendment and Zone Change

The applicant is requesting consideration of a General Plan Amendment and Zone Change. The request is to amend the General Plan and Zoning designations of the property from its existing Residential Estate (R-E) to the Single-Family Residential (R-SF) Land Use designation. If the General Plan Amendment and Zone Change are approved by the Town Council, the property will be allowed to be developed with all uses permitted within the R-SF zoning district.

The applicant, as part of the General Plan Amendment and Zone Change request, has requested approval of a Tentative Tract Map No. 18763, a request to subdivide the approximately 135 acres into 168 single-family residential lots for future residential development. One (1) additional lot is proposed to accommodate the Apple Valley Ranchos Water Company well for a total of 169 lots.

The review of the General Plan Amendment evaluates consistency with the Goals and Policies of the General Plan and, if it is appropriate, to change the land use designation. In evaluating the appropriateness of changing the General Plan land use and zoning for this site, consideration must also be given to the surrounding land use pattern and lot size. In this instance, the predominant zoning in the area is Single-Family Residential (R-SF). The zoning designations, including R-E which allow for large animal keeping are not typical of the area. Therefore, the proposed land use district is more consistent with the surrounding zoning and development in the area than the existing R-E designation. If granted, the General Plan Amendment will eliminate such animal keeping, as horses, pigs, sheep, goats, and kennels.

The request is consistent with the goals and policies of the Town's General Plan Land Use and Park and Recreation Elements. Specifically those listed below.

Land Use Element

Goal 2:

A well planned, orderly development pattern that enhances community values, and assures development of adequate infrastructure.

Policy 2.A

The Town shall maintain a land use map that assures a balance of residential, commercial, industrial, open space and public lands.

Program 2.A.2

The Zoning Map shall directly correspond to General Plan land use designations, and shall be kept consistent with the General Plan.

Policy 2.B

All new development and redevelopment proposals shall be required to install all required infrastructure, including roadways and utilities, and shall have complied with requirements for public services prior to occupancy of the project.

Goal 3

Minimal impact to existing neighborhoods.

Program 3.A.1

The Development Code shall include standards for increased setbacks, walls, berms, landscaping, incremental lot sizes, buffering guidelines and recommendations for projects adjoining different or less intense land use designations.

Program 3.A.2

The Development Code will include incentives for creative design, including, but not limited to, varied setbacks, lot patterns, building massing and non-motorized transportation paths and trails.

Goal 4

Safe, attractive and well served residential areas in keeping with the desert environment and its open characteristics.

Policy 4.A

The most intense single-family land use designation shall be 2 units per acre in conformance with the requirements of Measure N.

Program 4.A.1

The minimum lot size for single-family zoning designations in the Development Code shall be no smaller than 18,000 net square feet in conformance with the requirements of Measure N.

Park and Recreation Element

Goal 1

The maintenance and expansion of a well connected network of high quality parks that provides all segments of the community with a wide range of recreational opportunities.

Policy 1.A

The Town shall maintain a standard of 5 acres of parkland per 1,000 residents

Policy 1.D

In addition to Town park requirements, developers of new projects may be required to provide further on-site recreational space/landscaped open space.

Goal 2

Expansion and further development of an integrated and comprehensive bikeway, walking paths and trails system that includes effective signage and supporting facilities to encourage use.

Policy 2.A

In addition to connecting homes to schools, the trails system will connect residential areas to commercial centers, workplaces and recreational facilities.

Program 2.D.1

Improve the quality and connectivity of existing trails and pathways, providing signage and supporting facilities such as rest areas and secure parking for bikes, whenever possible.

The request is a logical extension of the existing R-SF land use designations in the surrounding area and would allow future property owners land use activities similar to those in neighboring properties.

B. General – Tentative Tract Map

At the adoption of GPA/ZC 2010-02, the project's location will be within the Single-Family Residential (R-SF) zoning designation which does not permit horse-sheltering; however, there are Equestrian Lifeline Trails required along Sitting Bull and Deep Creek Roads in accordance with the General Plan Recreation Trail System. The project is required to provide Lifeline trail improvements in accordance with the adopted Equestrian Trails Standards.

The proposed tentative map is consistent with the R-SF, Single-Family Residential General Plan land use designation and is in conformance with the R-SF zone, which sets minimum property size standards. The R-SF zone requires a minimum net lot size of 18,000 – 20,000 square feet. The map proposes 18,000 to 45,726 square-foot lot sizes which meets and exceeds the minimum lot size for the R-SF land use designation.

The site is surrounded by development to the north, east and west and has been disturbed by agricultural activities in years past. The Biological Survey, prepared on September 3, 2011, indicated no on-site detection of the Desert Tortoise, Burrowing Owl, or Mohave Ground Squirrel nor any other reptile, mammal or bird species. However, mitigation measures are recommended if the species are observed during future development activities given the previous presence of the Burrowing Owl. A pre-construction survey is required and will be conducted prior to land clearing to ensure the special status species have not moved onto the site since the date of the initial survey. There are no Joshua Trees on site.

The proposed tract is located adjacent to Sitting Bull and Deep Creek Roads, which are major arterials. In accordance with the Noise Element of the General Plan, projected noise impacts are anticipated along both streets. The General Plan Noise Element identifies all major corridors within the Town and the required setback of any sensitive uses, in order to minimize noise impacts and maintain a maximum noise level of sixty-five (65) decibels within the residential neighborhood. Due to the traffic noise impacts, a noise study was prepared by LSA Associates to identify the level of impact and mitigation measures. To mitigate the exterior noise level for the residential lots adjacent to Sitting Bull and Deep Creek Roads, a six (6)-foot high sound wall or sound wall and berm combination along

Sitting Bull and Deep Creek Roads will be built. All mitigation measures for interior and exterior noise impacts are identified in the Initial Study and are included as conditions of approval (Condition No. P15).

In accordance with Code Section 9.28.050E2, a fourteen (14)-foot and sixteen (16)-foot wide easement is required along the east side of Deep Creek to allow for landscaping, bike paths and multi-use trails. This provides greater flexibility in streetscape landscape design and avoids a tunnel effect created by unbroken sound walls placed too close to the street. The map indicates a twelve (12)-foot wide landscape easement along Deep Creek Road. Therefore, Condition No. 17 requires the additional width.

No new development or construction activities are proposed with this Planning Commission action; however, a Development Permit is required for homes built within a subdivision of five (5) or more lots. As part of the development process, a Development Permit review and approval by the Planning Commission is required for the architecture of the residential structures. The submittal would include a Development Plan consisting of plot plans, floor plans and building elevations as indicated on recommended Condition No. 7. If upon recordation of the map, the lots are to be sold individually, the construction of custom homes within the subdivision is required to comply with the Town's Custom Home Policy (PC Policy No. 2007-001). The Custom Home Policy limits the duplication of elevations and sets forth design criteria.

1. Drainage

Prior to issuance of a grading permit, a final drainage plan is required to be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. The area indicated as a park site is a drainage facility. The drainage facility will be designed as a storm channel that also retains storm water.

2. Traffic and Circulation

The circulation plan for the tract is designed to provide safe and efficient access to the future and existing residential neighborhoods and park area. All street and roadway design plans will adhere to the required Town standards at all intersections and driveways.

Sitting Bull Road is currently improved, but will be required to provide half-width street rights-of-way, curb, gutter and sidewalks for the site. Additionally, Deep Creek Road which is currently unimproved, will be re-aligned and is required to provide full-width street improvements within the project boundary.

Based on the Traffic Study, the proposed project is expected to generate at build-out a total of 1,608 new daily trips, with 170 trips occurring during the a.m. peak hour and 126 trips occurring during the p.m. peak hour. The Traffic Study, further states that after the construction of the 100th unit, the project will extend Deep Creek Road to connect Sitting Bull Road and Bear Valley Road. Circulation impacts associated with the development are less than significant, as project trips would not create new impacts at any of the study intersection. The study area for the traffic impact analysis includes the following intersections:

- Spring Valley Parkway/Bear Valley Road;
- Apple Valley Road/Sitting Bull Road;

- Apple Valley Road/Bear Valley Road;
- Choco Road -Project Access 1/Sitting Bull Road;
- Tawya Road-Project Access 2/Sitting Bull Road;
- Valley View Court-Project Access/Sitting Bull Road;
- Rincon Road/Sitting Bull Road.
- Bear Valley Road/Deep Creek Road

Based on the Traffic Study, mitigation measures have been proposed that will bring traffic impacts to within the Town's acceptable Level of Service (LOS) C. The proposed subdivision will increase vehicle trips and traffic congestion impacts, although the impacts will be less than significant. The development would be required to pay appropriate fair share fees for any required off-site street improvements.

3. Park and Trails

In accordance with Section 9.71.055 of the Development Code, the Town as a condition of approval on any tentative map, shall require dedication of park land, payment of in lieu fees or a combination of both for the purposes of establishing and developing park and recreation facilities to serve the residents of the project. The tentative tract map will provide a minimum a ten (10)-acre park site, or up to a thirteen (13)-acre park, if the school district does not acquire land from the project site. The park site was chosen on the west side of the project because the area is a proposed regional drainage facility. That portion of the park considered a drainage facility would be subject to Quimby fees.

In addition to the Lifeline/Multi-use trails along the south side of Sitting Bull and the west side Deep Creek Roads, a twelve (12)-foot wide meandering trail is proposed within the existing Deep Creek Road right-of-way located along the easterly tract boundary. Although Deep Creek Road is being relocated within the project, the existing right-of-way will remain as public right-of-way.

Development Review Committee

This tract map application was reviewed by the Development Review Committee (DRC) on August 5, 2010. The DRC recommended that a revised map be submitted, reflecting larger lots in the northeasterly portion of the tract.

Environmental Assessment

An initial study in compliance with CEQA has been prepared that determined the proposal would not have any adverse impacts that would be potentially significant, with mitigation measures. Therefore, a Mitigated Negative Declaration is recommended. The initial study was submitted to the State Clearinghouse for review by State agencies.

Noticing

General Plan Amendment No. 2010-02, Zone Change No. 2010-02 and Tentative Tract Map No. 18763 were advertised as a public hearing in the Apple Valley News newspaper on December 16, 2011. In addition, a sign is posted on the property as required under Development Code Section 9.13.030 (9).

Findings

In considering any General Plan Amendment or Zone Change, the Council and Commission are required by the Municipal Code to make specific Findings. The following are the Findings for a

General Plan Amendment required under Section 9.02.050.H.3 of the Development Code, with a comment to address each:

General Plan Amendment

1. The proposed General Plan amendment is consistent with the goals, policies and standards of all elements of the General Plan and will further those goals, policies and standards;

Comment: The proposed project is consistent with the goals, policies and standards of all General Plan Elements and will further their implementation. The subject property is suitable for development and will be a logical extension of single-family residential from the north, east and west. Development will occur in a sequential manner, adjacent to previously developed or developing areas and in ways which allow for clear linkages to circulation and other infrastructure systems. Single-family dwellings are compatible with Sitting Bull Elementary and Middle Schools. The proposed uses are complementary to the surrounding residential neighborhoods.

2. The General Plan, as amended, will comprise an integrated, internally consistent and compatible statement of policies for the Town;

Comment: The proposed General Plan Amendment is consistent with the Goals and Policies of both the Land Use Element and the Circulation Element of the General Plan. Since only the land use designation is being amended, the proposed amendment will comprise an integrated, internally consistent and compatible statement of policies for the Town.

3. The General Plan amendment furthers the public interest and promotes the general welfare of the Town by providing for a logical pattern of land uses and clarifying various land use policies for the Town.

Comment: The site is the proper location for the proposed development and is in the interest of public health, safety and general welfare. The project is consistent with surrounding land uses and circulation system. The project demonstrates good design principles that will benefit current and future community residents. The traffic from the proposed uses is compatible with the Town's adopted LOS C for major roads.

Zone Change

Development Code section 9.06.060 requires the following findings be made in order to approve Zone Change Amendments to the Development Code:

1. The proposed amendment is consistent with the General Plan.

Comment: The proposed project is consistent with the goals, policies and standards of all of the General Plan Elements and will further their implementation. The proposed Single-Family Residential zoning designation is consistent with the proposed Residential Single-Family General Plan Designation.

2. The proposed Amendment will not be detrimental to the public health, safety or welfare of the Town or its residents.

Comment: The request will not adversely affect the health, peace or comfort of persons residing in the area and will not be detrimental to the use, enjoyment or

valuation of property of other persons located in the vicinity of the site. The proposed traffic mitigation measures allow the project to stay within the Town's adopted LOS C for impacted intersections and in fact help improve certain existing intersections.

Tentative Tract Map Findings

In considering any Tentative Tract Map, the Commission is required by the Development Code to make specific Findings. The following are the Findings for a Tentative Tract Map required under Section 9.71.040 (A5) of the Development Code and a comment to address each:

1. The proposed Subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and any applicable Specific Plan. The proposed subdivision or land use is compatible with the objectives, policies, general land uses and programs specified in the General Plan and any applicable Specific Plan (Subdivision Map Act 66473.5).

Comment: With the approval of the GPA/ZC No. 2010-02, the proposal to subdivide the property into 168 single-family lots, and with adherence to recommended conditions, will meet the minimum requirements for lot size, width and depth as prescribed by the Code for R-SF land use designation.

2. The Planning Commission has considered the effects of its action upon the housing needs of the region and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources (Subdivision Map Act Section 66412.3).

Comment: The proposal consists of a land subdivision located on vacant, residentially designated land for the purpose of future single-family residential development. The proposal will not result in the removal of a single-family residence. However, the proposal is creating 168 single-family residential lots for future development which will ultimately increase the Town's existing housing stock.

3. The design of the subdivision provides, to the extent feasible, for the future passive or natural heating or cooling opportunities in the subdivision.

Comment: The lots created under this subdivision are appropriate in size to provide natural heating and cooling opportunities for development of the site. As development occurs, the individual lots are subject to the implementation of natural heating and cooling requirements pursuant to Title 24 energy requirements and the Town's Climate Action Plan.

4. The Planning Commission shall determine whether the discharge of waste from the proposed subdivision into the existing sewer system would result in a violation of the requirements as set forth in Section 13000 et seq., of the California Water Code. If the Planning Commission finds that the proposed waste discharge would result in, or add to, a violation of said requirements; the Planning Commission may disapprove the subdivision (Subdivision Map Act Section 66474.6).

Comment: The project is a residential land subdivision and is required to connect to the Town of Apple Valley sewer system and requires approval of the Town of Apple Valley Public Works Division in order to meet the requirements of the Town.

RECOMMENDATION

Based upon the information contained within this report, and any input received from the public at the hearing, it is recommended that the Planning Commission move to recommend the following to the Town Council:

1. Determine that the proposed General Plan Amendment, Zone Change, and Tentative Tract Map will not have a significant effect on the environment with adherence to the Mitigation Measures recommended in this report.
2. Adopt the Mitigated Negative Declaration finding for GPA 2010-02, ZC No. 2010-02, and TTM No. 18763, finding that on the basis of the whole record before the Planning Commission, including the Initial Study and any comments received, there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Town's independent judgment and analysis.
3. Find that the facts presented in the staff report support the required Findings for approval and adopt those findings.
4. Adopt Planning Commission Resolution No. 2012-01 recommending approval of GPA 2010-02 and Zone Change 2010-02.
5. Approve Tentative Tract Map No. 18763, subject to the attached Conditions of Approval.
6. Direct staff to file a Notice of Determination.

Prepared By:

Reviewed By:

Carol Miller
Senior Planner

Lori Lamson
Assistant Director of Community Development

ATTACHMENTS

- 1) Recommended Conditions of Approval
- 2) Tentative Tract Map
- 3) Zoning Map
- 4) Planning Commission Resolution No. 2012-02
- 5) Initial Study

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Case No. Tentative Tract Map No. 18763

Please note: *Many of the suggested Conditions of Approval presented herewith are provided for informational purposes and are otherwise required by the Municipal Code. Failure to provide a Condition of Approval herein that reflects a requirement of the Municipal Code does not relieve the applicant and/or property owner from full conformance and adherence to all requirements of the Municipal Code.*

Planning Division Conditions of Approval

- P1. This tentative subdivision shall comply with the provisions of the State Subdivision Map Act and the Town Development Code. This tentative approval shall expire three (3) years from the date of approval by the Planning Commission/Town Council. A time extension may be approved in accordance with the State Map Act and Town Ordinance, if an extension application is filed and the appropriate fees are paid 30 days prior to the expiration date. The Tentative Tract Map becomes effective 10 days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. Prior to approval of the Final Map, the following agencies shall provide written verification to the Planning Division that all pertinent conditions of approval and applicable regulations have been met:
- Apple Valley Fire Protection District
Apple Valley Ranchos Water Company
Apple Valley Public Services Department
Apple Valley Engineering Division
Apple Valley Planning Division
- P3. The applicant shall agree to defend at his sole expense (with attorneys approved by the Town), and indemnify the Town against any action brought against the Town, its agents, officers or employees resulting from or relating to this approval. The applicant shall reimburse the Town, its agents, officers or employees for any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of these obligations under this condition.
- P4. Prior to recordation the applicant shall provide the Planning Division with a copy of the subdivision in an electronic format compatible with the Town's current technology.
- P5. The filing fee for a Notice of Determination (NOD) requires the County Clerk to collect a handling fee of \$50.00. Additionally, as of January 1, 2012, a fee of \$2,101.50 is required to be collected by the County for the processing of a NOD for the State Fish & Game fees. The fees must be paid within five (5) days of the approval of this application in order to reduce the Statute of Limitations to thirty (30) days. All fees must be submitted prior to the

issuance of any permits. The check shall be made payable to the Clerk of the Board of Supervisors.

- P6. The approval of Tentative Tract Map No. 18763 by the Planning Commission is recognized as acknowledgment of Conditions of Approval by the applicant, unless an appeal is filed in accordance with the Town's Development Code.
- P7. A separate Development Permit, approved by the Planning Commission, is required prior to new single-family residential construction. The submittal shall include a Development Plan consisting of plot plans, a minimum of four floor plans and building elevations, demonstrating a variety of heights, setbacks, roof shapes and trim to create visually pleasing aesthetics within a cohesive design.
- P8. Prior to recordation of Final Map, three sets of detailed landscaping and irrigation plans for the parkway area and subdivision entrances, prepared by a qualified licensed landscape professional, shall be submitted to the Planning Division for review and approval. The landscape and irrigation plans shall be prepared in compliance with the applicable landscape section of the Town Development Code.

Landscaping shall be installed in accordance with Section 9.75 of the Development Code. Xeriscape landscaping techniques are encouraged for use in parkway areas which typically consists of drought tolerant, native type plants, trees and groundcover. Tract areas which back onto rights-of-way shall be landscaped as required by Subsection 9.75.040.E, "*Landscape Improvement Requirements*". Final landscape and irrigation plans shall be submitted and installed for each individual unit, prior to issuance of occupancy permits.

- P9. The project shall conform to the R-SF, Single-Family Residential, development standards for front, side and rear yard-building setbacks as follows:

- Front: 40 feet minimum, 45 average
- Street side: 25 feet minimum
- Interior side: 10/15 feet minimum
- Rear: 25 feet minimum

- P10. Residences constructed on the lots adjacent to Sitting Bull Road shall be setback a minimum distance of 122 feet from the centerline of Sitting Bull Road right-of-way.
- P11. A copy of the final grading plan shall be submitted to the Planning Division for review and approval.
 - a. All on-site cut and fill slopes shall be limited to a maximum slope ratio of 2 to 1 and a maximum vertical height of thirty (30) feet. Setbacks from top and bottom of slopes shall be a minimum of one-half the slope height.
 - b. Slopes shall be contour graded to blend with existing natural contours.
 - c. Slopes shall be a part of the downhill lot when within or between individual lots.
- P12. All subdivision walls proposed for construction along the perimeter of the property lines shall be constructed of decorative slump stone, split face or other decorative masonry material. Prior to the issuance of a grading permit, Developer/applicant shall submit detailed plans showing all proposed walls for this subdivision subject to approval by the Director of Economic and Community Development (or designee).

- P13. If the tract map is adjacent to existing development, a fence/wall plan shall be submitted with the grading and landscape/irrigation plans to identify how new fencing or walls will relate to any existing fences or walls located around the perimeter of the tract/parcel map. The developer shall be required to connect to the existing fencing/walls or collaborate with the adjacent property owners to provide new fencing/walls and remove the existing fence/wall, both options at the developer's expense. Double fencing shall be avoided and review and approval of the fencing/wall plan is required prior to issuance of grading permits.
- P14. All trails shall be developed in conformance with the Multi-Use and Equestrian Trails Standards.
- P15. All mitigation measures described in the Initial Study will be implemented as part of the project.
- P16. The sound wall required along Sitting Bull Road shall extend the entire length where residential lots are adjacent to Sitting Bull Road and shall also extend along the rear property line of Lot Nos. 18, 19 and 20.
- P17. In accordance with Code Section 9.28.050E2, a fourteen (14)-foot and sixteen (16)-foot wide easement is required along Sitting Bull and Deep Creek to allow for landscaping, bike paths and multi-use trails.
- P18. Prior to final map approval, the slivers of land adjacent to Deep Creek Road shall be incorporated into the adjacent parcels and shown as landscape easements.
- P19. Subdivision phasing shall be as shown on the approved Tentative Tract Map.
- P20. The applicant/developer shall install the landscaping along Sitting Bull and Deep Creek Roads and within the retention/detention basin. The applicant/developer shall form a Home Owners Association (HOA) or annex into an assessment district to maintain the landscaping and lighting standards of the development, and any retention basin created.

Parks and Recreation Department Conditions of Approval

- PR1. Prior to issuance of building permits for new construction, the developer, or assignee, is subject to fees in compliance to the Park and Recreation Department Quimby Ordinance.
- PR2. The park site shall include a permanent restroom facility and lighting for the parking lot.

Engineering Division Conditions of Approval

- EC1. A final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall reduce the post-development site-developed flow to ninety (90) percent of the pre-development flow for a 100 year design storm.
- EC2. Street improvement plans shall be submitted to the Town Engineer for review and approval.

- EC3. All interior streets shall be improved to Town standards with curb, gutter and street pavement. Minimum residential width of streets shall be thirty-six (36) feet curb to curb.
- EC4. All streets abutting the development shall be improved a minimum half-width of twenty-eight (28) feet improvements standards with curb, gutter and sidewalk on the development side.
- EC5. A forty (40)-foot wide (30 half-width plus 10 feet) road dedication along Geronimo Road adjacent to the property shall be granted to the Town of Apple Valley prior to Final Map Approval.
- EC6. An eighty-eight (88)-foot wide full-width road dedication along Deep Creek Road within the property shall be granted to the Town of Apple Valley prior to Final Map Approval.
- EC7. Sufficient right of way to construct the standard full width section of Sitting Bull Road, a minimum of forty-four (44)-foot wide, and up to sixty-two (62) feet wide, half-width road dedication along Sitting Bull Road adjacent to the property shall be granted to the Town of Apple Valley prior to Final Map Approval.
- EC8. Additional right of way at the intersection of Deep Creek Road and Sitting Bull Road per the Town's supplemental lanes standard shall be required prior to final map Approval.
- EC9. Geronimo Road adjacent to the property shall be improved to the Town's half-width Local street standards. Geronimo Road shall also be constructed to the Town's Access Road Standard with A.C. curbs from the east tract boundary to the paved section of Geronimo Road east of the project.
- EC10. "T" Street shall be constructed to the Town's full width Cul-du-sac Standards.
- EC11. Deep Creek adjacent to the property shall be improved to the Town's full-width Secondary street standards.
- EC12. Sitting Bull Road adjacent to the property shall be improved to the Town's half-width Secondary street standards. Modifications to this standard, to accommodate transitions to the east and the offset centerline, shall be approved by the Town Engineer.
- EC13. During the grading of the streets, soils testing of the street subgrades by a qualified soils engineering firm shall be performed to determine appropriate structural street section. Minimum asphalt concrete thickness for all streets shall be 0.33 ft.
- EC14. All required improvements shall be bonded in accordance with Town Development Code unless constructed and approved prior to approval and recordation on the Final Map.
- EC15. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC16. Final improvement plans and profiles shall indicate the location of any existing utility which would affect construction and shall provide for its relocation at no cost to the Town.

- EC17. A final grading plan shall be approved by the Town Engineer prior to issuance of a grading permit. A grading permit shall not be issued until street improvement plans have been submitted to the Town Engineer for review and substantial completion of the street plans has been attained as determined by the Town Engineer.
- EC18. The developer shall form or annex into an assessment district to provide for the ongoing maintenance of the retention basin/drainage channel and parkway landscaping along Deep Creek Road and Sitting Bull Road, the trail along the old alignment of Deep Creek Road, and for accessory structures, street lights, shall be formed by the developer prior to final map approval.
- EC19. All street names shall be approved by the Town and such approval shall be coordinated through the Town Engineer.
- EC20. The developer shall present evidence to the Town Engineer that he has made a reasonable effort to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
- EC21. Utility lines shall be placed underground in accordance with the requirements of the Town.
- EC22. The developer shall make a good faith effort to acquire the required off-site property interests. If the developer fails to acquire those interests the developer shall, at least 120 days prior to submittal of the final map for approval, enter into an agreement to complete the improvements pursuant to Government Code Section 66462 at such time as the Town acquires the property interests required for the improvements. Such agreement shall provide for payment by the developer of all costs incurred by Town to acquire the off-site property interests required in connection with the subdivision. Security for a portion of these costs shall be in the form of a cash deposit in the amount given in an appraisal report obtained by the developer, at the developer's cost. The appraiser shall have been approved by the Town prior to commencement of the appraisal. Additional security may be required as recommended by the Town Engineer and Town Attorney.
- EC23. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC24. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC25. Any required street striping shall be thermoplastic as approved by the Town Engineer.
- EC26. Unimproved Cross lot drainage shall not be allowed.
- EC27. The developer shall obtain and submit to the Planning Division prior to occupancy, the following signed statement by the purchasers of the homes located within the Landscape and Lighting Assessment district (subject to final approval by the Town Attorney): "In purchasing the home, I am aware that the home is located in the boundaries of a Landscape and Lighting Assessment District for the maintenance of drainage, landscaping, fencing and other similar improvements and that an annual landscaping maintenance charge shall be levied.

- EC28. In the event that an applicant/developer chooses to seek Council approval of the Final Map prior to completion of the required improvements, an "Agreement for Construction of Improvements" shall be required. In accordance with the California Labor Code, any such Agreement will contain a statement advising the developer that certain types of improvements will constitute a public project as defined in California Labor Code, Sections 1720, and following, and shall be performed as a public work, including, without limitation, compliance with all prevailing wage requirements.
- EC29. Easements, as required for roadway slopes, drainage facilities, utilities, access to adjacent properties, etc., shall be submitted and recorded as directed by the Town Engineer. No structures shall be placed on any part of the easements except those directly related to the purposes of said easements.
- EC30. The detention basin shall be designed to include the Town's Standard Two-Stage drywells.
- EC31. The sliver of land located on the southwest corner of Geronimo Road and Deep Creek Road shall be deeded to the property owner to the south. The Town may elect to receive this land for future land transition to the property owner to the south upon its development. This parcel shall be included into the assessment district at the Town's election.
- EC32. The extension of Deep Creek Road to Bear Valley Road shall be constructed prior to the issuance of the 100th single family building permit.

Public Works Division Conditions of Approval

- PW1. A sewer feasibility study is required to determine how public sewer collection can be provided by the Town of Apple Valley. Contact the Apple Valley Public Works Department (760-240-7000 ext. 7500) to determine procedure and costs associated with completing said study.
- PW2. An engineering evaluation is required to determine sewer capacity requirements and specific improvements necessary to serve the project. This evaluation shall be reviewed and approved by Apple Valley Public Works.
- PW3. Construct the sewer collector lines and laterals to each lot to connect to the trunk sewer system or other system as approved in advance by the Town.
- PW4. Sewage disposal shall be by connection to the Town of Apple Valley sewer system. Financial arrangements, plans and improvement agreements must be approved by the Town of Apple Valley Public Works Department.
- PW5. Prior to final inspection buy-in fees shall be paid. Contact the Public Works Department for costs associated with said fees.

Apple Valley Fire Protection District Conditions of Approval

- FD1. The above referenced project is protected by the Apple Valley Fire Protection District. Prior to construction occurring on any parcel, the owner shall contact the Fire District for verification of current fire protection development requirements.

FD2. All new construction shall comply with applicable sections of the California Fire Code, California Building Code, and other statutes, ordinances, rules, and regulations regarding fires and fire prevention adopted by the State, County, or Apple Valley Fire Protection District.

FD3. The development and each phase thereof, shall have two (2) points of paved access for fire and other emergency equipment, and for routes of escape which will safely handle evacuations. Each of these points of access shall provide an independent route into the area in which the development is located. This shall be completed prior to any combustible construction.

FD4. Fire lanes shall be provided with a minimum width of thirty (30) feet, maintained, and identified.

Apple Valley Fire Protection District Ordinance 51

FD5. A turnaround shall be required at the end of each roadway 150 feet or more in length and shall be approved by the Fire District. Cul-de-sac length shall not exceed one thousand (1,000) feet.

Turning radius on all roads within the facility shall not be less than twenty-two (22) feet inside and minimum of forty (40) feet outside turning radius with no parking on street, or forty-seven (47) feet with parking. Road grades shall not exceed twelve percent (12%) unless approved by the Chief.

Apple Valley Fire Protection District Ordinance 51

FD6. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

New dwelling addresses shall be posted with a minimum of four (4)-inch numbers visible from the street, and during the hours of darkness the numbers shall be internally illuminated. Where building setbacks exceed seventy-five (75) feet from the roadway, additional contrasting four (4)-inch numbers shall be displayed at the property entrance.

FD7. Plans for fire protection systems designed to meet the fire flow requirements specified in the Conditions of Approval for this project shall be submitted to and approved by the Apple Valley Fire Protection District and water purveyor prior to the installation of said systems.

A. Unless otherwise approved by the Fire Chief, on-site fire protection water systems shall be designed to be looped and fed from two (2) remote points.

B. System Standards:

*Fire Flow 500 GPM @ 20 psi Residual Pressure on 8" minimum water main size.
Duration 1 Hour
Hydrant Spacing 660 Feet

C. The total nineteen to Twenty-two (19-22) fire hydrants will be required. It is the responsibility of the owner/developer to provide all new fire hydrants with blue dot, reflective pavement markers set into street, and curb identification per Apple Valley Standards.

- FD8. Residences shall be constructed with an automatic fire sprinkler system (NFPA 13D) throughout the structure, including garage. Plans shall be submitted by a licensed C-16 contractor to the Fire District for review and approval along with plan review fees. Fire Sprinkler work shall not commence until plan approval and a job card have been issued. An approved fire alarm system shall be installed that will provide a local alarm for water flow to be audible throughout the premises. **NOTE: The Fire District shall be notified a minimum of 24 hours prior to the desired final inspection date.**
- FD9. A letter shall be furnished to the Fire District from the water purveyor stating that the required fire flow for the project can be met prior to the Formal Development Review Committee meeting.
- FD10. Apple Valley Fire Protection District Final Subdivision/Tract/Development fees shall be paid to the Fire District prior to final map acceptance according to the current Apple Valley Fire Protection District Fee Ordinance.
- FD11. The developer shall submit a map showing complete street names within the development, to be approved by the Fire District prior to final map.
- FD12. A Knox Box Rapid Entry System shall be required at all gated ingress/egress points within this project.

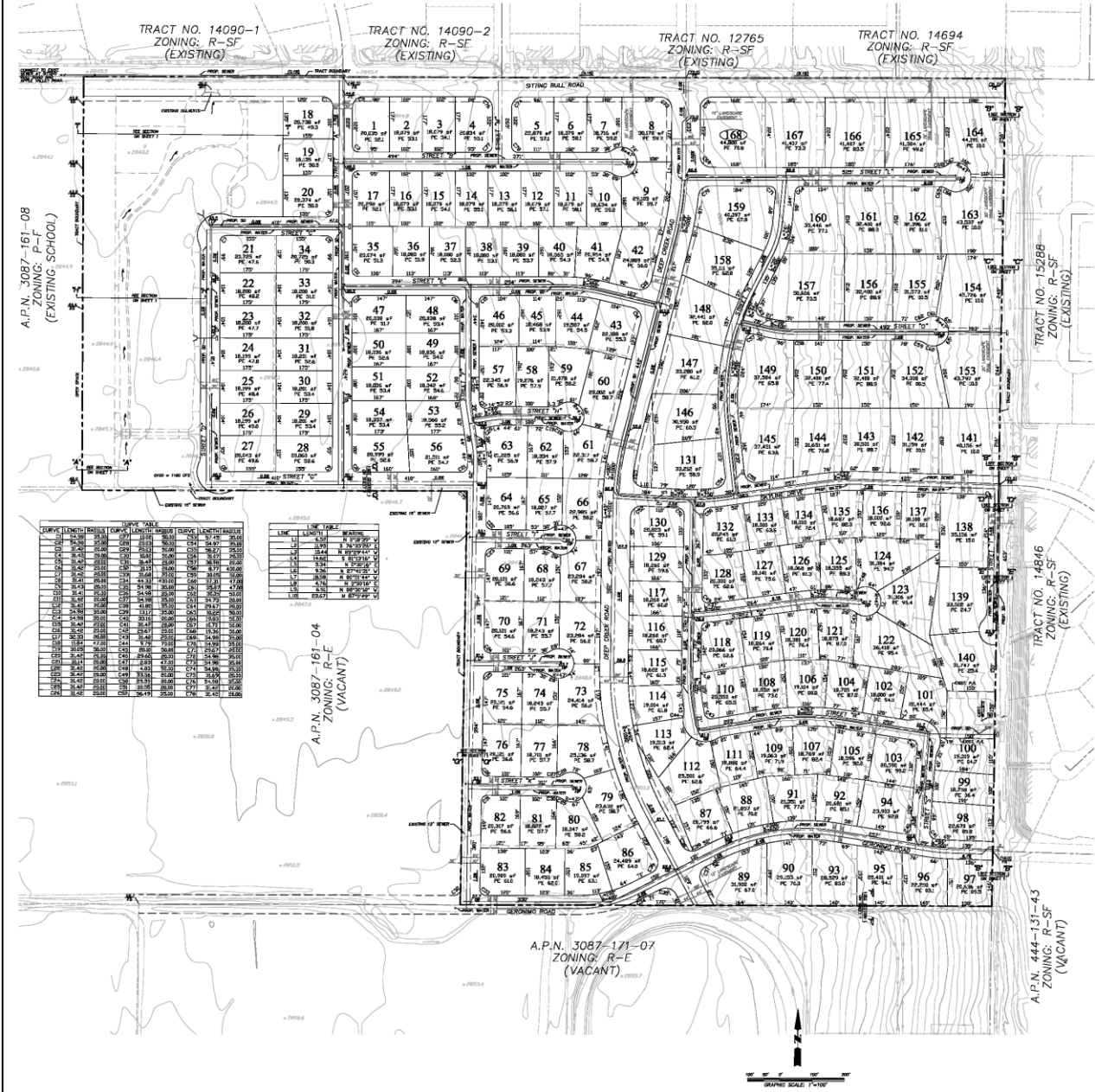
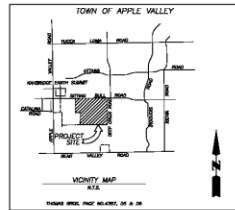
Apple Valley Fire Protection District Ordinance 51

Apple Valley Ranchos Water Company Conditions of Approval

- AVR1. Water mains must be extended to provide fire protection to this tract in accordance with Apple Valley Fire Protection District's conditions.
- AVR2. A water main extension contract will be required in compliance with Rule #15 of the California Public Utilities Commission.
- AVR3. Water mains are required to be installed throughout the tract. Also, transmission mains will be required in Deep Creek and Geronimo Roads.
- AVR4. Fire hydrants are required per AVRWC standard drawings and located in accordance with Apple Valley Fire Protection District's requirements.
- AVR5. Water facilities need to be installed in dedicated public Rights-of-Ways or easements. These dedications and easements are needed to install, maintain, connect and operate (unobstructed vehicular access) the proposed water facilities.
- AVR6. A supply facility fee is required which will fund development of new wells. This fee will be collected per meter that is installed at a rate of \$800 per 5/8" equivalent meter.
- AV7. A water acquisition fee is required in order for AVRWC to have rights to provide water to the site. The fee is a one-time fee and is subject to change; therefore, the amount needs to be confirmed before payment is submitted.
- AV8. The existing well (#34) site will need additional improvements for drainage, vehicular access, security, and noise attenuation purposes.

END OF CONDITIONS

IN THE TOWN OF APPLE VALLEY, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
TENTATIVE MAP - TRACT NO.18763
 APN 3087-161-05: THE E 100 ACRES OF THE N 1/2 OF SECTION 31, T5N, R3W, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO PLAT OF SAID LAND ON FILE IN THE DISTRICT LAND OFFICE.
 APN 3087-161-08: THE N 1/2 OF THE N 1/2 OF SECTION 31, T5N, R3W, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND ON FILE IN THE DISTRICT LAND OFFICE.
 EXCEPTING THEREFROM THE EAST 50 ACRES THEREOF.
 ALSO EXCEPTING THEREFROM PARCELS 1, 2, AND 3 OF PARCEL MAP 15703 AS PER PLAT RECORDED IN BOOK 195, PAGES 1 AND 2, RECORDS OF SAID COUNTY
 UNITED ENGINEERING GROUP AUGUST 2011



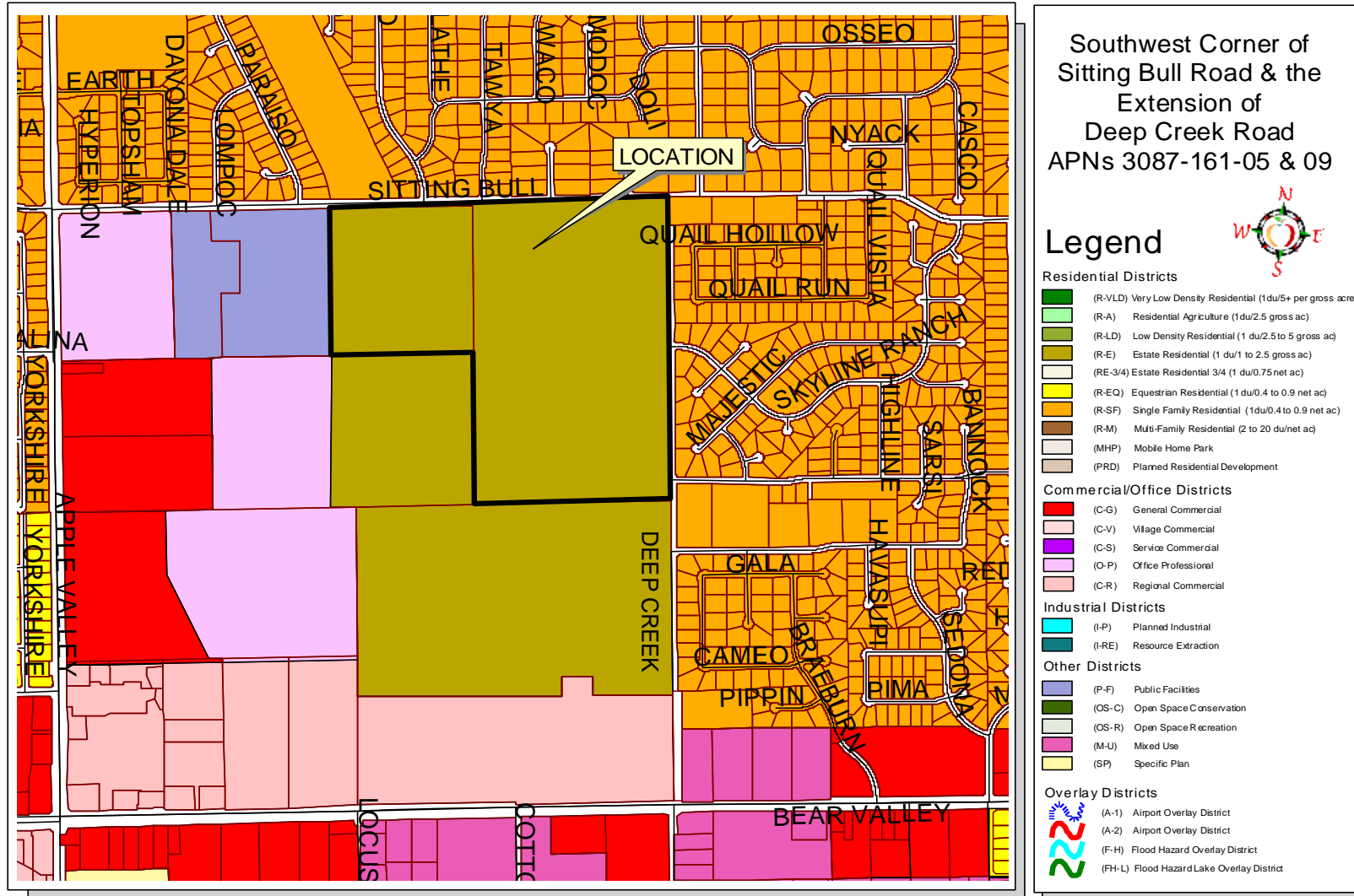
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REVISIONS	NO.	DESCRIPTION	DATE



TENTATIVE TRACT MAP	2
TRACT NO. 18763	SHEET 2 OF 2
TOWN OF APPLE VALLEY, CA	PROJECT NUMBER CA-13815

Existing Zoning/Location Map



PLANNING COMMISSION RESOLUTION NO. 2012-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL APPROVE A GENERAL PLAN AMENDMENT AND ZONE CHANGE FROM ESTATE RESIDENTIAL (R-E) LAND USE AND ZONE DESIGNATION TO SINGLE-FAMILY RESIDENTIAL (R-SF) LAND USE AND ZONE DESIGNATION. TENTATIVE TRACT MAP NO. 18763 IS A REQUEST TO SUBDIVIDE THE TOTAL 135 ACRE SITE INTO 168 SINGLE FAMILY LOTS AND A MINIMUM TEN (10) ACRE PARK SITE LOCATED AT THE SOUTHWEST CORNER OF SITTING BULL ROAD AND THE EXTENSION OF DEEP CREEK ROAD. APNS: 3087-161-05 AND 09

WHEREAS, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

WHEREAS, The General Plan and Title 9 (Development Code), including the Official Zoning Districts Map of the Municipal Code of the Town of Apple Valley have been previously amended by the Town Council on the recommendation of the Planning Commission; and

WHEREAS, specific changes are proposed to Chapter 9.05, Section 9.05.040 "Adoption of the Official Zoning Districts Map" of Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley by amending the zoning designation of two (2) parcels. The approximately 135-acre site is generally located at the southwest corner of Sitting Bull Road and the extension of Deep Creek Road; APNs 3087-161-05 and 09.

WHEREAS, on, December 16, 2011, General Plan Amendment and Zone Change No. 2010-02 and TTM No. 18763 were duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), an initial study in compliance with CEQA has been prepared that determined the proposal would not have any adverse impacts that would be potentially significant, with mitigation measures. Therefore, a Mitigated Negative Declaration is recommended. The initial study was submitted to the State Clearinghouse for review by State agencies.

WHEREAS, the Planning Commission finds on the basis of the whole record, including the initial study with mitigation and any comments received that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Planning Commission's independent judgment and analysis, and

WHEREAS, a copy of the Initial Study and Mitigated Negative Declaration, may be obtained at: Town of Apple Valley, Planning Division, 14955 Dale Evans Pkwy., Apple Valley, CA 92307, and

WHEREAS, on January 18, 2012, the Planning Commission of the Town of Apple Valley opened a duly noticed and advertised public hearing on General Plan Amendment and Zone Change No. 2010-02 and Tentative Tract Map No. 18763; and

WHEREAS, the proposed General Plan Amendment and Zone Change No. 2010-02 and TTM No. 18763 are consistent with Town of Apple Valley General Plan and Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED THE PLANNING COMMISSION RECOMMENDS THAT THE TOWN COUNCIL FIND AND ACT AS FOLLOWS:

Section 1. In consideration of the evidence received at the public hearing, and for the reasons discussed by the Commissioners at said hearings, the Town Council of the Town of Apple Valley, California, adopts the findings and recommendations in the staff report and finds that the changes proposed under General Plan Amendment and Zone Change No. 2010-02 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 2. Based upon the information contained within the Initial Study and Mitigated Negative Declaration prepared in conformance with the State Guidelines to Implement the California Environmental Quality Act (CEQA), General Plan Amendment and Zone Change No. 2005-002 may have an impact upon the environment if not mitigated and, that based on the whole record, therefore, the Town Council of the Town of Apple Valley should adopt the Mitigated Negative Declaration for General Plan Amendment and Zone Change No. 2010-02 and TTM No. 18763.

Section 3. Adopt a Town Council Resolution approving a General Plan Amendment as requested. The approximately 135-acre site, consisting of two (2) parcels, generally located at the southwest corner of Sitting Bull Road and the extension of Deep Creek; APN 3087-161-05 and 09, and as shown on Exhibit "A" attached to this Resolution.

Section 4. Adopt an ordinance amending that certain portion of Title 9 (Development Code) of the Town of Apple Valley Municipal Code, Section 9.05.040 "Adoption of the Official Zoning Map" subsection "B" by approving the Zone Change from Estate Residential (R-E), 1 dwelling unit per 1.0 to 2.5 acres to Single-Family Residential (R-SF), 1 dwelling unit per one-half (1/2)-acre for Assessor Parcels Numbered 3087-161-05 and 09 as shown on Exhibit "B" attached to this Resolution.

Section 5. Direct staff to file a Notice of Determination.

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 18th day of January 2012.

Chairman B. R. "Bob" Tinsley

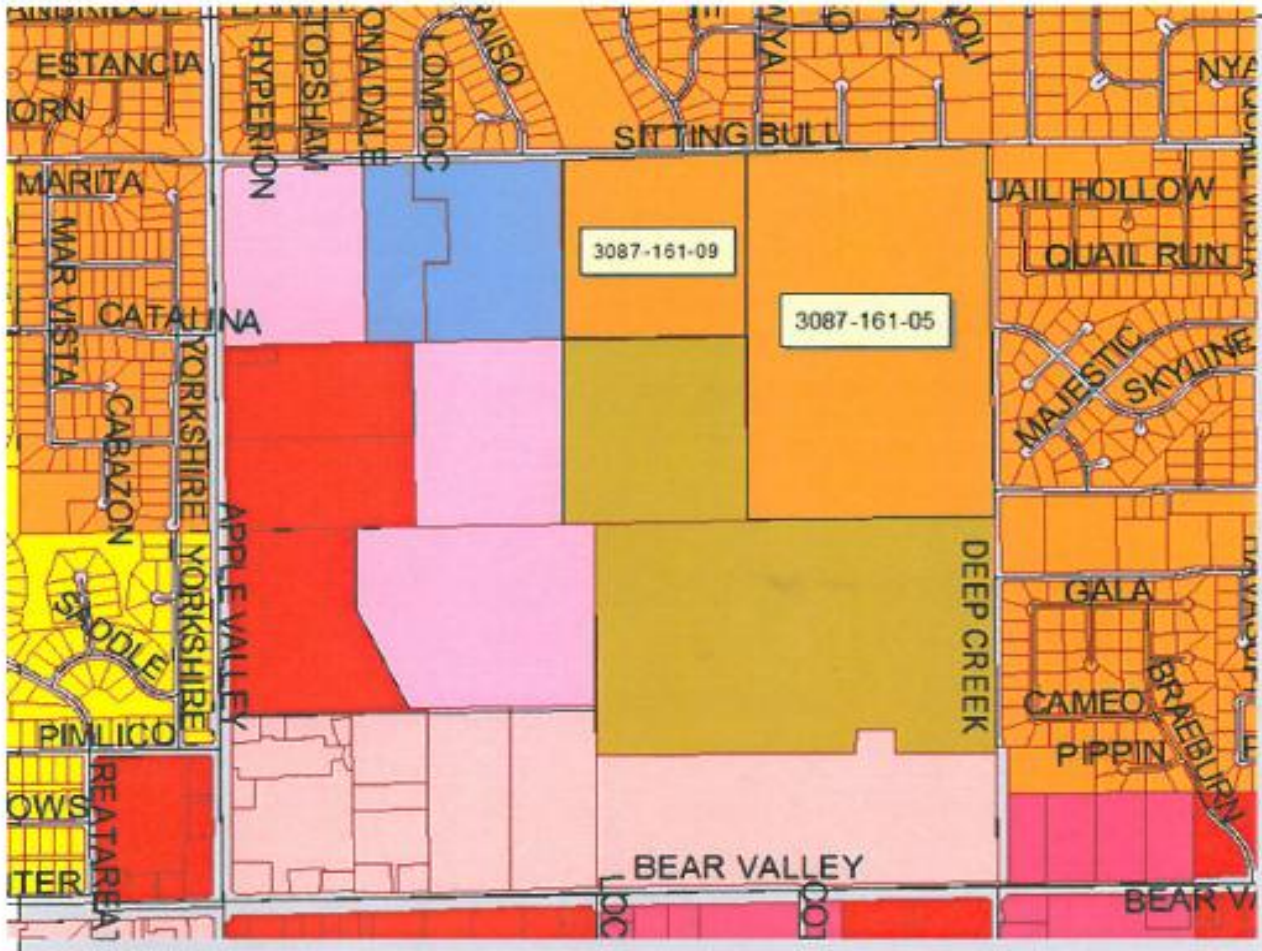
ATTEST:

I, Debra Thomas, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 18th day of January 2012 by the following vote, to-wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ms. Debra Thomas, Planning Commission Secretary

Exhibit "B" Zoning Designation to Residential Single Family (R-SF) APNs 3087-161-05 & -09



- Residential Districts**
- (R-1) Very Low Density Residential (10U/2+ per gross acre)
 - (R-1A) Residential Agriculture (15,000 gross ac)
 - (R-1D) Low Density Residential (1 du/2.5 to 5 gross ac)
 - (R-1E) Estate Residential (1 du/1 to 2.5 gross ac)
 - (R2-3A) Extra Residential (24 (1 du/0.15 net ac)
 - (R-1EQ) Equestrian Residential (1 du/10.4 to 0.8 net ac)
 - (R-1EF) Single Family Residential (1 du/0.4 to 0.9 net ac)
 - (R-1M) Multi-Family Residential (2 to 20 du/net ac)
 - (R-1P) Mobile Home Park
 - (R-1PD) Planned Residential Development
- Commercial/Office Districts**
- (C-1) General Commercial
 - (C-1A) Village Commercial
 - (C-2) Service Commercial
 - (C-3) Office Professional
 - (C-4) Regional Commercial

- Industrial Districts**
- (I-1) Planned Industrial
 - (I-2) Resource Extraction
- Other Districts**
- (O-1) Public Facilities
 - (O-2) Open Space Conservation
 - (O-3) Open Space Preservation
 - (O-4) Mixed Use
 - (O-5) Special Plan
- Overlay Districts**
- (A-1) Airport Overlay District
 - (A-2) Airport Overlay District
 - (F-1) Flood Hazard Overlay District
 - (F-1L) Flood Hazard Lake Overlay District
- 500 0 500 Feet



**TOWN OF APPLE VALLEY
INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM**

This form and the descriptive information in the application package constitute the contents of Initial Study pursuant to Town of Apple Valley Development Code and Section 15063 of the State CEQA Guidelines.

PROJECT INFORMATION

1. **Project title:** Tentative Tract Map No. 18763
General Plan Amendment No. 2010-02
Zone Change No. 2010-02

2. **Lead agency name and address:** Town of Apple Valley
Planning Division
14955 Dale Evans Parkway
Apple Valley, CA 92307

3. **Contact person and phone number:** Carol Miller, Senior Planner
(760) 240-7000 Ext 7222

4. **Applicant's name and address:** United Engineering Group
Chris Morgan
3595 Inland Empire Blvd Ste 2200
Ontario, Ca. 91764

5. **Project location and Assessor's Parcel Number:**
Southwest corner of Sitting Bull Road and the extension of Deep Creek Road. APNs: 3087-161-05 and 09

6. **Description of project** (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation):

This Initial Study is for General Plan Amendment No. 2010-02, Zone Change No. 2010-02 and Tentative Tract Map No. 18763 for the development of approximately 168 residential lots on approximately 135 acres. The proposed amendments would change the project site from (R-E) Residential Estate (1 DU per 1 to 2.5 gross acres) to R-SF Residential Single Family (1 DU per 0.4 to 0.9 net Acres).

The project includes the development of a ten (10) acre park site and multi-use trails. In addition to the development and improvement of an internal street system, the project is required to install full half width improvements for Sitting Bull Road and full width improvements for the re-alignment of Deep Creek. Both streets are arterial streets.

ENVIRONMENTAL/EXISTING SITE CONDITIONS

The site is currently undeveloped vacant land that has been significantly disturbed due to past agriculture activities, and as such the extent of native vegetation is limited. The site has relatively flat land on the western half of the site and gentle to moderate sloping terrain in the eastern half of the site.

	TOWN OF APPLE VALLEY GENERAL PLAN DESIGNATION	TOWN OF APPLE VALLEY ZONING DISTRICT	EXISTING LAND USE
Site	R-E – Estate Residential (Proposed R-SF - Residential Single Family)	R-E – Estate Residential (Proposed R-SF - Residential Single Family)	Vacant
North	R-SF - Residential Single Family	R-SF - Residential Single Family	Single-Family Residential
South	R-E – Estate Residential	R-E – Estate Residential	Vacant Land
East	R-SF - Residential Single Family	R-SF - Residential Single Family	Single-Family Residential
West	PF - Public Facility R-E – Estate Residential	PF - Public Facility R-E – Estate Residential	Public School Vacant Land

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact: as indicated by the checklist on the following pages.

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural/Paleontological
- Geology/Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Mineral Resources
- Noise
- Population/Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities/Service Systems
- Mandatory Findings of Significance

DETERMINATION: (To be completed by the lead Agency):

On the basis of this initial evaluation, the following finding is made:

- The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- The proposed project MAY have a significant effect on the environment, and ENVIRONMENTAL IMPACT REPORT is required.

- The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

- Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Carol Miller, Senior Planner

Date

Lori Lamson
Assistant Director of Community Development

Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analyses Used. Identify and state where they are available for review.

- b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
 - 7) Supporting Information Sources. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
 - 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
 - 9) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

I. AESTHETICS

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION (check if project is located within the view shed of any Scenic Route listed in the General Plan):

- a. **Less than Significant Impact.** The proposed project is not located within a Scenic Corridor. However, there are views of the San Bernardino Mountains to the south and southeast provide the dominant scenic vistas from the project site. Other smaller scale mountain ranges are also visible from the project site. The development of the proposed project would result in the construction of 168 single-family dwelling units. The construction of the proposed dwelling units may obstruct views of the mountains for nearby residences

located to the east, west, and north of the site. However, the proposed project is of similar size and scale to the existing residential development already in the area and it would not result in a substantial adverse effect on a scenic vista. Therefore, impacts to scenic vistas are considered less than significant.

- b. **No Impact** The proposed project will not substantially damage scenic resources, including, but not limited, trees, rock outcroppings, and historic buildings within a state scenic highway, because the site is not adjacent to a state scenic highway and there are no rock outcroppings or historic buildings on the site. The topography of the proposed project site and surrounding area is relatively flat. The elevation of the site is approximately 2,860 feet above sea level; however, there is an increase in elevation of forty (40) feet, in the form of a bluff located on the eastern edge of the proposed project site. There are no valleys, trees, rock outcroppings, or waterways on the project site that would be substantially damaged by the implementation of the proposed project. The site is not located within a State scenic highway as identified by California Department of Transportation. There are no State designated scenic highways located within, on, adjacent to, or near the project site. Therefore, development of the project would not damage scenic resources within a State scenic highway.
- c. **Less than Significant Impact.** Historically, the proposed project site was utilized for agricultural uses. It is now a vacant site with scattered areas of weeds and debris. Completion of the proposed project would result in the development of residential uses on the site. The proposed project will comply with existing Development Code Section 9.31.030 Single Family Architectural Design Standards. For these reasons, the ultimate development of single family dwellings would not result in degradation of the existing visual character of the proposed project site. Therefore, impacts are considered less than significant.
- d. **Less than Significant Impact.** Development of the project site would introduce a new source of light and glare in the area in the form of street lighting and outdoor lighting on residential units. Additionally, depending on the ultimate park design, the park may include ball field lighting. By directing the lights downward and only illuminating the fields when needed the impact of the lights will be less than significant to the existing character of the area. The adjacent land uses most impacted consist of a public school, residential uses and vacant land. While implementation of the proposed project is expected to result in increased light and glare in comparison with the existing undeveloped nature of the project site, the introduction of light and glare associated with residential uses would be similar to that already occurring in the area. Additionally, the proposed project would be required to adhere to Town standards related to development, including lighting standards contained in the Town's Development Code, Chapter 9.70 Performance Standards, Section H, Light and Glare and Town of Apple Valley Dark Sky Policy. Compliance with Town requirements including the Development Code and the Town's design review would reduce the impact of the light sources to off-site locations to a less than significant level.

II. AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and

the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland as defined in Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Gov't Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conservation of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION (check if project is located in the Important Farmlands Overlay):

a&e. **Less than Significant Impact.** Important farmland maps are compiled by the California Department of Conservation, Farmland Mapping and Monitoring Program (FMMP) utilizing data from the United States Department of Conservation, Natural Resource Conservation Service, Soil Survey, and current land use information. The maps depict currently urbanized lands and a qualitative sequence of agricultural designations. The project site of the proposed General Plan Amendment and Zone Change contains two agricultural designations as determined by FMMP. The total approximate area for each designation is as follows: Prime Farmland, twenty-nine (29) acres and Farmland of Statewide Importance, 106 acres. The proposed project would convert all of this designated farmland to residential uses.

To determine the significance of this farmland conversion, the California Agricultural Land Evaluation and Site Assessment Model (LESA) was used. The LESA model rates the relative quality of land resources based upon specific measurable features. The model is composed of six different factors. Two Land Evaluation factors are based upon measures of soil resources quality. Four Site Assessment factors provide measures of a given project's size, water resource availability, surrounding agricultural lands, and surrounding protected resource lands. For a given project, each of these factors is separately rated on a 100-point scale. The factors are then weighted relative to one another and combined, resulting in a single

numeric score for a given project, with a maximum attainable score of 100 points. The LESA Model is intended to provide lead agencies with a methodology to identify potentially significant impacts that may result from agricultural land conversions. The project site has a Land Evaluation subtotal of 19.17 and a Site Assessment score of 20.25, summing to a total LESA score of 39. A total LESA score of 0 to 39 points is not considered significant.

The land evaluation section of the California Agricultural LESA model indicates the suitability of soils in relation to project size. In this section, the proposed project generated a lower range score suggesting that the soils on site are not desirable for agricultural use. The site assessment section, which was measured in relation to water resource availability, surrounding agricultural land uses, surrounding protected resource lands, and project size, yielded a score on the lower range is well. The proposed project’s impact associated with the conversion of State designated farmland from agricultural to non-agricultural uses is considered, through application of the LESA Model, to have a less than significant impact.

- b. **Less than Significant Impact.** The proposed project site is known to have been used for agricultural activities. However, no agricultural uses currently exist on the site. The project site is zoned Residential Estate and no Williamson Act contract is in effect; therefore, development of the project site will not conflict with or impact existing zoning for agricultural use or a Williamson Act contract and impacts are considered less than significant.
- c. **No Impact.** Forest land is defined as “land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits” (Public Resources Code section 12220(g)). Timberland is define as “land, other than land owned by the federal government and land designated by the Board of Experimental forestland, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees” (Public Resources Code section 4526). A Timberland Production Zone is defined as “an area which has been zoned pursuant to Section 51112 or 51113 and is devoted to and used for growing and harvesting timber and compatible uses, as defined in subdivision” (Gov’t Code section 51104(g)).
- d. **No impact.** The site does not contain forest land as defined in Public Resources Code section 12220(g) or timberland as defined in Gov’t Code section 51104(g).

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- | | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION:

- a. **Less than Significant Impact.** Basin-wide air pollution levels are administered by the Mojave Desert Air Quality Management District (MDAQMD). The 2004 Ozone Attainment Plan provides a program for obtaining attainment status for ozone based on existing and future air pollution emissions resulting from employment and residential growth projections. The project site has been planned for residential use as indicated in the Town’s General Plan and Zoning Code. Although the project site has been planned for residential use, the proposed project would introduce a higher density compared with the existing zoning and land use designations. This higher density has been planned for under the adoption of “Measure N” within the Town. As such, the proposed on-site uses have been included in growth projections for the Town of Apple Valley, which were subsequently used as input in the formulation of the approved Ozone Attainment Plan. Therefore, the proposed project is consistent with the MDAQMP and would not hinder implementation of its programs.
- b. **Less than Significant Impact with Mitigation.** The project site is located within the Mojave Desert Air Basin (MDAB). Air quality regulations in the MDAB is administered by the MDAQMD. The MDAB is designated as a nonattainment area for both Federal and State ozone and PM10 standards. The MDAB is in attainment with all other criteria pollutants for both Federal and State standards.

Air pollutant emissions associated with the project would occur over the short term from construction activities. There would be long term regional emissions associated with project related vehicle trips. Although the proposed project area air pollutant sources are below the MDAQMD daily emissions thresholds, implementation of Mitigation Measures AIR-1 through AIR-5 would further reduce the area source air pollutant emissions generated by the proposed project. The project-related traffic would not result in any Federal or State CO standards being exceeded, such that no significant impact on local CO levels would occur. Emissions projections used to establish MDAQMD attainment objectives reflect adopted regional and local land use plans. Therefore, the emissions associated with the proposed project are expected to be within the amounts already accounted for in the Mojave Desert Air Quality Management Plan (AQMP).

In addition, the proposed project is required to comply with regional rules that assist in reducing short-term air pollutant emissions. MDAQMD Rule 403 requires that fugitive dust be controlled so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. The project is also required to comply with MDAQMD Rule 1113, which limits the quantity of volatile organic compounds (VOC) in architectural coatings. With implementation of Mitigation Measures AIR-1 through AIR-5, the development of the proposed project would not violate any air quality standards or contribute substantially to an existing or project air quality violation, resulting in a less than significant impact. Applicable Rule 403 Measures:

1. A person shall not cause or allow the emissions of fugitive dust from any transport, handling, construction or storage activity so that the presence of such dust remains visible in the atmosphere beyond the property line of the emission source. (Does not apply to emissions emanating from unpaved roadways open to public travel or farm roads. This exclusion shall not apply to industrial or commercial facilities.)
2. A person shall take every reasonable precaution to minimize fugitive dust emissions from wrecking, excavation, grading, clearing of land, and solid waste disposal operations.
3. A person shall not cause or allow particulate matter to exceed 100 micrograms per cubic meter when determined as the difference between upwind and downwind samples collected on high volume samplers at the property line for a minimum of five hours.
4. A person shall take every reasonable precaution to prevent visible particulate matter from being deposited upon public roadways as a direct result of their operations. Reasonable precautions shall include, but are not limited to, the removal of any matter from equipment prior to movement on paved streets or the prompt removal of any material from paved streets onto which such material has been deposited.
5. Subsections a) and c) shall not be applicable when the wind speed instantaneously exceeds 40 kilometers (25 miles) per hour, or when the average wind speed is greater than 24 kilometers (15 miles) per hour. The average wind speed determination shall be on a 15-minute average at the nearest official air monitoring station or by wind instrument located at the site being checked.

Mitigation Measures

AIR-1 The construction contractor shall select the construction equipment used on site based on low emission factors and high energy efficiency. The construction contractor shall ensure that construction grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer's specifications.

AIR-2 The construction contractor shall utilize electric- or diesel-powered equipment in lieu of gasoline-powered engines where feasible.

AIR-3 The construction contractor shall ensure that construction grading plans include a statement that work crews will shut off equipment when not in use.

AIR-4 The construction contractor shall time the construction activities so as not to interfere with peak-hour traffic and to minimize obstruction of through traffic lanes adjacent to the site; if necessary, a flag person shall be retained to maintain safety adjacent to existing roadways.

AIR-5 The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.

- c. ***Less than Significant Impact with Mitigation.*** Air pollution emissions would be produced during the construction phase of the project. The Mojave Desert Air Basin (MDAB) is in non-attainment for PM10, PM2.5, and ozone at the present time. The EPA has classified the portion of the MDAB in which the project is located as moderate non-attainment for the eight hour ozone standard, non-attainment for the Federal and State PM10 standards, and non-attainment for the State PM2.5 standards. The Mojave Desert Air Quality Management District (MDAQMD) maintains ambient air quality monitoring stations throughout its portion of the MDAB. The air quality monitoring stations within the MDAB closest to the site are the Victorville Station and the Hesperia Station. These stations over the past three years have detected ozone levels that often exceed the State (one-hour) and Federal (eight hour standards). PM10 and PM2.5 levels never exceeded the Federal 24-hour and annual standards and rarely exceeded the State 24-hour annual standards during the past three years. CEQA defines a cumulative impact as two or more individual effects that together are considerable or that compound or increase other environmental impacts. Fugitive dust and pollutant emissions may be generated during the construction and operational phases of the proposed project. However, implementation of the recommended Mitigation Measures AIR-1 through AIR-5 would ensure that the proposed project would have a less than significant impact on air

quality. Because impacts would be reduced to less than significant levels with mitigation, the proposed project would not incrementally contribute to potential cumulative impacts related to these issues. The emissions associated with the proposed project are expected to be within the amounts already accounted for in the MDAB AQAP, as addressed within IIIa.

The Final Environmental Impact Report (FEIR) prepared for the Town’s General Plan identified that potential air quality impacts resulting from implementation of the General Plan would be significant and that there are no mitigation measure available to reduce this impact to less than significant levels. Although the project related emission associated with the project would cumulatively contribute to air quality emission, the impacts would not be more significant than that which were identified in the General Plan FEIR. No new significant air quality impact related to the project will result from the development of the proposed residential uses.

Source: Town of Apple Valley General Plan EIR.

- d: **Less than Significant Impact** Sensitive receptors located within the vicinity of the proposed project include single-family residences to the north and east, Sitting Bull Elementary and Sitting Bull Middle School located to the west. On-site grading and construction activities would likely generate temporarily increased levels of particulates and emissions from construction equipment. However, because those emissions created by the proposed project would not exceed State thresholds, the identified sensitive receptors would not be exposed to substantial pollutant concentrations.
- e. **Less than Significant Impact.** During construction, the various diesel-powered vehicles and equipment in use on the site would create odors. Additionally, the application of architectural coatings and installation of asphalt may generate odors. These odors are temporary and not likely to be noticeable beyond the project boundaries. MDAQMD standards regarding the application of architectural coatings (Rule 1113) and the installation of asphalt surfaces are sufficient to reduce temporary odor impacts to a less than significant level.

Long-term objectionable odors are not expected to occur at the proposed project site. Activities conducted at the proposed project will include typical residential activities and will not generate substantial objectionable odors. Therefore, impacts related to creation of objectionable odors affecting substantial numbers of people are expected to be less than significant.

IV. BIOLOGICAL RESOURCES

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION (check if project is located in the Biological Resources Overlay or contains habitat for any species listed in the California Natural Diversity Database):

- a. **Less than Significant Impact with Mitigation Incorporated.** The analysis of the project’s effect on candidate, sensitive, or special status species is based on the *Biological Survey Report* dated September 3, 2011, completed by RCA Associates, Inc. (RCA). Protected sensitive species are classified by either State or Federal resource management agencies, or both, as threatened or endangered, under provisions of the State and Federal Endangered Species Acts. RCA conducted a focused biological assessment of the proposed project site. Biological surveys were conducted for the desert tortoise (*Gopherus agassizii*), Mohave ground squirrel (*Spermophilus mohavensis*), burrowing owl (*Athene cunicularia hypugaea*), sharp-shinned hawk (*Accipiter striatus*), and loggerhead shrike (*Lanius ludovicianus*). According to RCA Associates, the parcels included in the project area have been significantly disturbed by past human activities. Therefore, the loss of the vegetation on the site is not considered to be a significant impact. Various species of wildlife may occur on the parcels; however, no mammals were seen during the surveys conducted by RCA. Mammals possibly occurring on the site as residents or transients include jackrabbits (*Lepus americanus*), white-tailed antelope ground squirrels (*Ammospermophilus leucurus*), Merriam’s 1 Federal Clean Air Act, 1990. kangaroo rats (*Dipodomys merriami*), and deer mice (*Peromyscus maniculatus*). Several birds were observed during the surveys including ravens (*Corvus corax*), sage sparrows (*Amphispiza belli*), American robin (*Turdus migratorius*), mourning doves (*Zenaida macroura*), and burrowing owls. A few side-blotched lizards (*Uta stansburiana*), western whiptail lizards (*Cnemidophorus tigris*), and desert spiny lizards (*Sceloporus magister*) were observed during the surveys. These species are not listed as threatened, endangered, or sensitive. The burrowing owl is a California Department of Fish and Game (CDFG) Species of Special Concern.

No desert tortoises or tortoise signs (e.g., burrows, tracks, scats) were observed on the site. The project site does not support suitable habitat for the tortoise due to past agricultural activities, which have significantly reduced the presence of on-site native plants. However, as this species is a transient species, a focused survey is required prior to ground-disturbing construction. The project site also does not contain plants that

are considered important food sources for the Mohave ground squirrel. Due to the lack of important food sources coupled with the disturbed nature of the site, the Mohave ground squirrel is not expected to occur on the project site. However, as this species is a transient species, a focused survey is required prior to ground-disturbing construction. The sharp-shinned hawk and the loggerhead shrike were also determined to be absent from both portions of the project site, as there are no documented sightings of either species within the *Apple Valley North* quadrangle, and the project parcels do not support habitat for either species. Impacts to each of these species are considered less than significant and no mitigation is required.

Surveys for the burrowing owl were conducted per survey protocol. Based on the burrowing owl surveys that were conducted on August 15, 22, and 29, 2011, no owls or active burrows were identified. Owls had been observed on the site in 2009. Based on the previous presence of burrowing owls, the following mitigation measures are incorporated in the project if owls are observed in future surveys. As this species is a transient species, a focused survey is required prior to ground-disturbing construction.

Source: RCA Associates, Inc. Biological Survey Report, September 3, 2011

Mitigation Measures

BIO-1 Prior to ground-disturbing and construction-related activities, a focused survey for the burrowing owl shall be conducted by a qualified biologist, to identify the exact location of occupied burrows. In consultation with CDFG, and if the burrowing owl is determined to be present on the proposed project site, mitigation measures would include either passive or active relocation. Passive relocation involves excluding the burrowing owl from burrows within the construction limits. Active relocation involves the capture and relocation of the owl. Any mitigation measures will require consultation with California Department of Fish and Game (CDFG). Although surveys can be conducted year round, the California Burrowing Owl Consortium Survey Guidelines and CDFG Staff Report on Burrowing Owl Mitigation recommend that both a winter and spring focused survey for this species may be required to confirm presence or absence of the species. Winter surveys are conducted December 1 through January 31 and spring surveys (breeding or nesting season) are conducted February 1 through August 31.

BIO-2 Occupied burrowing owl burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the CDFG verifies through non-invasive methods approved by the CDFG verifies through non-invasive methods either: 1) the birds have not begun egg-laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

To offset the loss of foraging and burrow habitat on the project site, a minimum of 6.5 acres of burrowing owl habitat per pair or unpaired birds shall be acquired and permanently protected. Existing unsuitable burrows should be enhanced or new burrows created at a ratio of 2:1 on the protected lands. The project proponent shall provide funding for long-term management and monitoring of the protected lands. A monitoring plan for the protected lands shall be required which includes success criteria, remedial measures, and annual reports to the CDFG.

BIO-3 Prior to a decision on any future application for entitlements that would allow ground disturbance, the Town will require an updated desert tortoise survey for the whole site to be completed. This survey will be coordinated with the CDFG to ensure that the findings are considered valid. If desert tortoises are determined to occupy the site, a 2081 Incidental Take Permit that the site developer will be required to obtain and present to the Town prior to being issued a grading permit for the project site. If desert tortoise is found on the property during the forthcoming survey, the developer will be required to obtain an Incidental Take Permit (Section 7 or 10) from the U.S. Fish and Wildlife Service, in addition to the 2081 Permit before ground disturbance will be permitted.

- b. **No impact.** Riparian habitat includes willows, mule fat, and other vegetation typically associated with the banks of a stream or lake shoreline. No riparian habitat exists on site. In addition, there are no other sensitive natural communities or habitats present on the project site. Therefore, no impact associated with this issue will occur.
- c. **No impact.** The project site does not contain any drainage features under the jurisdiction of the U.S. Army Corps of Engineers or other Federal agencies. Therefore, implementation of the proposed project will not result in an impact associated with federally protected wetlands.
- d. **Less than Significant Impact with Mitigation.** Neither the sharp-skinned hawk nor loggerhead shrike was observed on the project site, nor are there documented sightings of either species within the Apple Valley North quadrangle. The sharp-skinned hawk occurs primarily in woodland habitats, usually close to open areas where the species may forage. The project site does not support any woodland areas, nor are there any dense stands of trees adjacent to the site. Loggerhead shrikes typically prefer open habitats with scattered shrubs, trees, and other potential perch sites. The species is a relatively common resident in the High Desert and has been observed in the general area. The mobility of these species does not preclude it from occurring on the site in the future. Nesting activity typically occurs from mid-February through mid-August. Disturbing or destroying active nests is a violation of the Migratory Bird Treaty Act. Therefore, Mitigation Measures BIO-4 and BIO-5 are incorporated in the project and compliance with these measures will reduce the impact to native or migratory species to less than significant:

Mitigation Measures

BIO-4 If possible, vegetation removal activities shall occur outside the nesting season for migratory birds (typically February 15 through August 15) to avoid potential impacts to nesting birds. If not possible, Mitigation Measure BIO-5 shall apply.

BIO-5 If vegetation removal does occur during nesting season (February 15 through August 15), a qualified biologist shall survey all suitable habitat for the presence of nesting birds prior to commencement of any vegetation clearing. If any active nests are detected, a buffer of at least 100 feet (300 feet for raptors) shall be delineated, flagged, and the nest shall be avoided.

- e. **Less than Significant Impact.** The site does not contain Joshua trees, according to surveys conducted by RCA, due in part to the numerous years the site has been utilized for agricultural uses. Therefore, impacts related to this issue are less than significant.
- f. **Less than Significant Impact.** Areas of valuable habitat that support special status species are illustrated in the Biological Resources Study of the Town's General Plan EIR. The General Plan includes policies and programs intended to ensure that habitat connectivity is preserved in the Town. In addition, a number of special survey areas in the Town's planning area are identified in the General Plan. Species for which surveys are required as part of development applications include Desert Tortoise, Mojave Ground Squirrel, Burrowing Owls, Joshua Trees, and/or Migratory/Nesting/Other Protected Birds. The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or state habitat conservation plan because no such plan has been adopted in the area of the project site. However, the Town has a draft Multi-Species Habitat Conservation Plan, and at such time the site is to be developed, the project will be subject to the mitigation measures identified in the MHCP.

V. CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION (check if the project is located in the Cultural ___ or Paleontological ___ Resources overlays or cite results of cultural resource review):

- a) **Less than Significant Impact.** A cultural resources assessment of the proposed project site was conducted by LSA Associates, Inc. (LSA) in September 2006. A field survey of the site was performed in August 2006. The remnants of the alfalfa farm were evaluated in *Cultural Resource Assessment, Bear Valley and Apple Valley Residential Project, Town of Apple Valley, San Bernardino County, California* (LSA September 2006) in accordance with the requirements of CEQA. According to the report, although the alfalfa farm is historically associated with post-WWII agricultural development in Apple Valley, the site retains few, if any character-defining features to convey the association. Also the site is not eligible for designation as an Apple Valley Point of Interest because it was not associated with significant historic events, important persons, nor did it embody a distinct character or architectural style. Therefore, development of the site would be considered a less than significant impact and no mitigation is necessary.
- b) **No Impact.** No artifacts were identified within the project area during the pedestrian survey of the project boundaries conducted in June 2006 by LSA archaeologists.
- c) **Less than Significant Impact with Mitigation.** The project site is located in an area identified as sensitive for paleontological resources as shown in Exhibit III-5 of the General Plan EIR. A paleontological resources assessment of the proposed project site was conducted by LSA in October 2006. Paleontological resources are the fossilized biotic remains of ancient environments. According to a review of available geologic literature, fossil localities in sediments mapped as similar to those on the project site occurred north and east of the project. These Pleistocene sediments have produced small mammal fossils and the remains of mammoth, horse, and camel. The presence of sediments suitable to contain paleontological resources and the positive results of the literature review reinforce the high potential for encountering significant nonrenewable vertebrate fossils during construction excavation. Therefore, Mitigation Measure CUL-1 has been added to the project, which is the inclusion of a Paleontological Resource Impact Mitigation Program (PRIMP) for the excavation phase of the project. Compliance with Mitigation Measure CUL-1 ensures that excavation impacts to the paleontological resources are maintained below a level of significance.

Mitigation Measures

CUL-1 The following PRIMP shall be implemented during the excavation phase of the project:

- A trained paleontological monitor will be present during ground-disturbing activities within the project area in sediments that were determined likely to contain paleontological resources. The monitoring for paleontological resources will be conducted initially on a half-time basis. When fossil resources are encountered, the monitoring will increase to full-time. The monitor will be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. The monitor will be equipped to rapidly remove any large fossil specimens encountered during excavation.
- During monitoring, samples will be collected and processed to recover micro vertebrate fossils. Processing will include wet screen washing and microscopic examination of the residual materials to identify small vertebrate remains.

d. **Less than Significant Impact.** The proposed project site is not known to have been utilized for religious or sacred purposes. No evidence is in place to suggest the project site has been used for human burials. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. As adherence to State regulations is required for all development, no mitigation is required in the unlikely event human remains are discovered on-site. Impacts associated with this issue are considered less than significant.

VI. GEOLOGY AND SOILS

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18 1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION (check if project is located in the Geologic Hazards Overlay District):

- a (i). **No Impact.** The site is not located within the boundaries of an earthquake fault zone for fault-rupture hazard as defined by the Alquist-Priolo Earthquake Fault Zoning Act. No known active or potentially active faults traverse the site as shown on the California Geologic Survey Map (2002). The nearest fault zone is the North Frontal Fault Zone located approximately five and one-half (5.5) miles to the southeast. Therefore, no impact associated with the rupture of a known earthquake fault would occur.
Source: Town of Apple Valley, General Plan EIR
- a(ii) **Less than Significant Impact.** Like all of southern California, the Mojave Desert is a seismically active region. According to the geotechnical investigation prepared for the project, the faults most likely to affect the project site are the North Frontal, Helendale-Lockhart, Lenwood-Lockhart, San Andreas, Cucamonga, Cleghorn, and Landers fault zones. The proposed project site is located in a seismically active area and, therefore, will continue to be subject to ground shaking resulting from activity on local and regional faults. The construction of dwelling units in the project area will expose residents to potentially strong seismic ground shaking. All future construction in the project area will conform to the requirements of the Uniform Building Code (UBC). The California Building Code (California Code of Regulations, Title 24) establishes engineering standards appropriate for the seismic zone in which development may occur. Adherence to the UBC and the California Building Code (CBC) standards will ensure potential ground shaking impacts are reduced to a less than significant level.
- a(iii) **Less than Significant Impact.** Liquefaction, the loss of soil strength or stiffness due to a buildup of excess pore-water pressure during strong ground shaking is considered unlikely on the project site. According to the previously referenced geotechnical study, the site is underlain by older alluvium. Additionally, groundwater was not encountered during borings for the geotechnical investigation. Considering the geologic setting of the project site, the composition of on-site soils, available water well data, and the lack of groundwater encountered during on-site borings, the geotechnical investigation concluded that the potential for liquefaction to occur on the project site during a seismic event is low. As such, impacts associated with liquefaction are considered less than significant.
Source: Geotechnical Feasibility Investigation dated September 25, 2006

- a(iv) ***Less than Significant Impact with Mitigation Incorporated.*** The project area has topographic relief of 40 to 60 feet. According to the geotechnical investigation prepared for the project the topographic relief on this portion of the site is significant and the potential for slope instability during grading is present. Mitigation Measure GEO-1 has been added to the project and requires a slope stability analysis during the grading phase of the project. Compliance with Mitigation Measure GEO-1 ensures that slope instability impacts associated with the proposed project are reduced to a less than significant level.

Source: Geotechnical Feasibility Investigation dated September 25, 2006

Mitigation Measure

GEO-1 Prior to the issuance of grading permits, the project applicant shall submit a slope stability analysis to the Town Engineering Division and receive approval of the analysis from the Town Engineering Division.

- b. ***Less than Significant Impact.*** Soils on site consist of Bryman Loamy Fine Sand, Cajon Sand, Kimberlina Loamy Fine Sand, and Helendale Loamy Sand. The proposed project will require the excavation, stockpiling, and movement of on-site soils to create the residential pads and proposed new roadways. Currently, construction projects resulting in the disturbance of 1.0 acre or more are required to obtain a National Pollutant Discharge Elimination System (NPDES) permit issued by the Regional Water Quality Control Board (RWQCB). The project's construction contractor will be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) that identifies Best Management Practices (BMPs) to limit the soil erosion during project constructions. Adherence during construction to provisions of the NPDES permit and applicable BMPs contained in the SWPPP will ensure that potential impacts related to this issue are less than significant.
- c. ***Less than Significant Impact with Mitigation.*** Refer to responses VIa-iii and VIa-iv. As discussed above, the proposed project site is considered to have a low potential for liquefaction, and the implementation of Mitigation Measure GEO-1 will reduce potential impacts associated with landslides and slope instability to a less than significant level. Based on testing performed during the geotechnical investigation, the potential for hydro-collapse at the project site is negligible. Subsidence is generally associated with large decreases or withdrawals of water from the underlying aquifer. The proposed project does not include wells or other uses that will withdraw groundwater. Subsidence of older alluvial materials at the project site is estimated to be 0.05 foot. Additionally, the artificial fill and windblown sand of older alluvium at the site (generally the upper one to three feet and locally up to seven to ten feet) are considered unsuitable to support pavement, fill, structures, walls, or other improvements in their current state. As such, the proposed project site could result in significant impacts related to unstable soil. The implementation of Mitigation Measures GEO-2 and GEO-3, and adherence to the UBC, CBC, and Town design and engineering standards would ensure impacts associated with unstable soil remain less than significant.

Mitigation Measures

GEO-2 The design and construction of the proposed on-site uses shall adhere to the recommendations identified in the geotechnical investigation prepared for the proposed project site, or as determined appropriate by the Town, the standards and requirements established in the UBC.

GEO-3 The requirements and recommendations for earthwork, grading and seismic parameters included within the Zeiser Kling Geotechnical Feasibility Investigation dated September 25, 2006, shall be incorporated into the proposed project.

- d: ***Less than Significant Impact with Mitigation Incorporated.*** Expansive soils generally have a significant amount of clay particles, which can give up water (shrink) or take on water (swell). The

change in volume exerts stress on buildings and other loads placed on these soils. The extent of shrink/swell is influenced by the amount and kind of clay in the soil. The occurrence of these soils is often associated with geologic units having marginal stability. The distribution of expansive soils can be widely dispersed, and they can occur in hillside areas as well as low-lying alluvial basins.

According to the Soil Date Mart, 1998, the project site is covered by three soil types: Bryman Loamy Fine Sand, Cajon Sand, and Kimberlina Loamy Fine Sand. A small area in the northeast corner of the site contains Helendale Loamy Sand. Based on tests of a soil sample from the project site, on-site soils have an expansion potential of “low.” Although the soil sample collected on the project site had an expansion potential of “low,” the geotechnical consultant identified the potential for soils on site that exhibit a “medium” expansion potential, based on previous experience in the area. Additionally, during grading for the project, on-site soil will be intermixed, which could change the expansion potential of the soil. The geotechnical investigation recommends that expansion values be refined or verified during a more detailed geotechnical study in later design stages. The potential presence of soils with a medium expansion potential could result in significant impacts associated with expansive soil. The development of the proposed project site will be required to adhere to UBC and Town design and engineering standards. The implementation of Mitigation Measure GEO-4 is necessary to ensure impacts associated with expansive soils remain less than significant.

Mitigation Measure

GEO-4 Prior to the issuance of grading permits, the project applicant shall submit refined or verified expansion potential values for the proposed project site to the Town Engineering Division and receive approval of the new values and conclusions from the Town Engineering Division.

- e. **No Impact.** The proposed project will connect to the existing sanitary sewer system. Because septic or alternative waste disposal systems will not be utilized, no impact related to this issue will occur.

VII. GREENHOUSE GAS EMISSIONS

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

- a. **Less than Significant Impact.** According to the Town’s General Plan, air quality is a concern due to human health issues, and because air pollutants are thought to be contributing to global warming and climate change. Air pollution is defined as a chemical, physical or biological process that modifies the characteristics of the atmosphere. Implementation of mitigation measures, including but not limited to those set forth for this project, can be effective in reducing air quality impacts by providing alternative transportation options, increasing the use of green building design and technologies into planned future and remodeled facilities, and incorporating the use of alternative energy sources both locally and regionally through individual and region wide solar roof installation projects and region-wide wind farm

development, among other possible programs. These measures will not only reduce emissions of criteria pollutants, but will also reduce emissions associated with the formation of greenhouse gases. The project applicant shall follow applicable greenhouse gas regulations and quantification protocols. A detailed description of each of the greenhouse gases and their global warming potential are provided in *Air Quality* of the Town's General Plan EIR.

- b. ***Less than Significant Impact with Mitigation Incorporated.*** The proposed project would not conflict with the provisions of any adopted, applicable plan, policy or regulation. On July 13, 2010, the Town adopted a Climate Action Plan ("CAP") that enhances the General Plan's goals, policies and programs relating to meeting the greenhouse gas emission targets established in the California Global Warming Solutions Act. The Plan includes reduction strategies to achieve 1990 levels by including an emissions inventory. The Plan achieves emission targets that apply at reasonable intervals throughout the life of the plan, enforceable GHG control measures, monitoring and reporting, and mechanisms to allow for the revision of the plan, if necessary. The goal of the CAP is to reduce greenhouse gas emissions within the Town's control and to achieve the emission reduction goals required by AB 32. Therefore, the applicant will be required to implement the following mitigation measures:

GH-1: During project construction, on-site off-road construction equipment shall utilize biodiesel fuel (a minimum of B20), except for equipment where use of biodiesel fuel would void the equipment warranty. The applicant shall provide documentation to the Town that verifies that certain pieces of equipment are exempt, a supply of biodiesel has been secured, and that the construction contractor is aware that the use of biodiesel is required. As a conservative measure, no reduction in GHG emissions was taken for the implementation of this measure as it is unknown if biodiesel can be readily applied to the various pieces of construction equipment that will be necessary for the project.

GH-2: Building and site plan designs shall ensure that the project energy efficiencies surpass applicable 2008 California title 24 Energy Efficiency Standards and comply with the Green Building Code. Verification of increased energy efficiencies shall be documented in Title 24 compliance Reports provided by the applicant, and reviewed and approved by the Town prior to the issuance of the first building permit. Any combination of the following design features, or additional features may be used to fulfill this measure:

- Buildings shall exceed California Title 24 Energy Efficiency performance standards for water heating and space heating and cooling.
- Increase insulation such that that heat transfer and thermal bridging is minimized.
- Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption.
- Incorporate dual-paned or other energy efficient windows.
- Incorporate energy efficient space heating and cooling equipment.
- Promote building design that will incorporate solar control in an effort to minimize direct sunlight upon windows. A combination of design features including roof eaves, recessed windows, "eyebrow" shades, and shade trees shall be considered.
- Interior and exterior energy efficient lighting, which exceeds the California Title 24 Energy Efficiency performance standards, shall be installed, as deemed acceptable by Town. Automatic devices to turn off lights when they are not needed shall be implemented.
- To the extent that they are compatible with landscaping guidelines established by the town, shade-producing trees, particularly those that shade paved surfaces such as street and parking lots and buildings shall be planted at the Project site.
- Paint and surface color palette for the project shall emphasize light and off-white colors, which will reflect heat away from the building.
- Consideration shall be given to using LED lighting for all outdoor uses (i.e. buildings, pathways, landscaping and carports).

GH-3: To reduce energy demand with potable water conveyance:

- Landscaping palette emphasizing drought tolerant plants and exceeding Town standards for water conservation.
- Limit turf areas to no more than (20%) of all landscaped areas (Non Sport Turf Areas)
- Use of water-efficient irrigation techniques exceeding Town standards for water conservation.
- U.S. EPA Certified Water Sense labeled or equivalent faucets, high-efficiency toilets (HETs), and water conserving showerheads.

GH-4: Install Energy Star appliances and energy efficient fixtures.

GH-5: Install all CFL or LED light bulbs.

GH-6: Install solar panels sufficient to heat water within the project.

GH-7: Install solar or photovoltaic systems on new roofs.

GH-8: Use bio-gas in appropriate applications.

GH-9: Provide educational information to residents addressing energy efficiency, solid waste reduction, and water conservation measures.

Source: Town of Apple Valley, Climate Action Plan

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

SUBSTANTIATION:

- a&b: **Less than Significant Impact.** The proposed project consists of the construction of residential properties. This land use will not involve the production, storage, or distribution of hazardous substances except normally occurring household hazardous wastes (such as cleaning products and paints). The range of land use activities proposed on the project site would not allow for the use, storage, disposal, or transport of large volumes of toxic, flammable, explosive, or otherwise hazardous materials that could cause serious environmental damage in the event of an accident. The potential impact associated with the routine transport, use, or disposal of hazardous materials in a residential setting is a less than significant impact.
- c. **Less than Significant Impact.** The proposed project site is adjacent to Sitting Bull Elementary School and Sitting Bull Middle School. As the proposed development includes only residential dwelling units and a park site, which do not emit hazardous emissions or handle hazardous materials, the impacts associated with this issue are considered to be less than significant.
- d: **No Impact.** This project is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, this project would not create a significant hazard to the public or the environment. No impact is anticipated.
- e **No Impact.** The proposed project is not located within the land use plan of Apple Valley Airport, which is approximately six (6) miles to the northeast. Therefore, development of the proposed project will not result in an airport safety hazard to persons residing in the project area.
- f. **No Impact.** The project is not located within the vicinity of a private airstrip or heliport. There are no impacts associated with this issue.
- g: **Less than Significant Impact.** Implementation of the proposed project will increase the number of residential dwelling units within the Town. Development of the proposed project will generate an increase in the amount and volume of traffic on local and regional networks. The developers of the proposed project will be required to design and construct applicable roadways to comply with applicable local, regional, State and/or Federal requirements related to emergency access and evacuation plans. Construction activities, which may temporarily restrict vehicular traffic, will be required to implement measures to facilitate the passage of persons and vehicles through/around any required road closures. Adherence to these measures will reduce potential impacts related to this issue to a less than significant level.

h: ***Less than Significant Impact.*** According to the Town’s General Plan, the project site is not located within a Fire Hazard Area or within an area susceptible to wildfires. The vacant land adjacent to the project site has minimal vegetation. Development of the proposed residential project will not expose persons or property to increased wildland fire risks. As such, impacts associated with this issue are less than significant.

IX. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?
- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
- j) Inundation by seiche, tsunami, or mudflow?

SUBSTANTIATION:

a: **Less than Significant Impact.** The proposed project will not violate any water quality standards or waste discharge requirements because the Regional Water Quality Control Board (RWQCB), responsible for administering the Federal Clean Water Act on a regional level, has standards and waste discharge requirements for water quality that must be met during both construction of a project and ongoing during the life of a project.

On-site grading activities associated with the construction period will require the movement of on-site soils, which may result in a temporary increase in the amount of suspended solids in surface flows during a concurrent storm event and could increase the potential for erosion and off-site sedimentation. The proposed residential uses may incrementally increase the potential for storm runoff. In addition, the proposed project will modify the quality, quantity, and absorption rate of the project site’s runoff due to the development of buildings, parking lots, and driveways. These new impervious surfaces may contribute to the degradation of water quality in storm flows through carrying runoff from areas tainted by sediment, petroleum products, and/or other contaminants.

The project site is larger than one acre and, therefore, is required to comply with the National Pollutant Discharge Elimination System (NPDES) to minimize water pollution. The Town’s NPDES permit establishes measures that sufficiently mitigate potential impacts associated with construction-related discharge. Development in the Town of Apple Valley is subject to the State of California’s General Construction Permit under the NPDES. The Permit requires that any development proposal that would disturb more than one acre is required to file a Notice of Intent (NOI) and prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) prior to implementation of grading or other soil-disturbing activities. In addition to the preparation of an SWPPP, the developer will be required to submit a project specific

Water Quality Management Plan (WQMP). The WQMP will identify measures to treat and/or limit the post-construction entry of contaminants into storm flows. The WQMP is required to be incorporated by reference or attached to the project’s SWPPP as the Post-Construction Management Plan. Adherence to standard requirements, including obtaining an NPDES permit and the preparation of the SWPPP and WQMP, and Town runoff conveyance standards, will reduce potential water quality impacts to a less than significant level. Permits are administered by the State Water Resources Contract Board (SWRCB) through the required Lahontan RWQCB.

b: **Less than Significant Impact.** The project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level because the project is served by an existing water purveyor that has indicated that there is currently sufficient capacity in the existing water system to serve the anticipated needs of the project.

c-e: **Less than Significant Impact.** The existing surface drainage on the site follows the surface contours that drain to the north and west via sheet flow. An existing broad drainage course traverses north toward Sitting Bull Road in the westerly portion of the project site. The project site drains westerly toward this drainage course. Development east of the logical extension of Deep Creek Road has occurred in which areas from the properties drain to the project site. The Town of Apple Valley Master Plan of Drainage includes creating a broad drainage course on the westerly portion of the project site. A portion of this master plan facility, which consists of a retention/detention basin, has been constructed north of Sitting Bull Road. The project will include a drainage plan that will accommodate the off-site flows from the existing development to the east. A storm drain system will be constructed as part of the proposed project to carry the flows to the proposed master plan facility. For these reasons, impacts associated with drainage patterns for the project site are considered less than significant.

f: **Less than Significant Impact.** Grading activities associated with the construction could result in temporary increase in the amount of suspended solids in surface flows during a concurrent storm event, thus resulting in surface water quality impacts. The site is more than one (1) acre; therefore, is required to comply National Pollution Discharge Elimination System (NPDES) to minimize water pollution. The General Construction permit requires recipients to reduce or eliminate non-storm water discharges into stormwater systems, and to develop and implement a Storm Water Pollution Prevention Plan (SWPPP).

Prior to issuance of grading permits, the applicant is required to submit a Notice of Intent (NOI) to the Town Engineer to comply with obtaining coverage under the NPDES General Construction Storm Water Permit from the SWRCB. Evidence that this has been obtained (i.e., a copy of the Waste Dischargers Identification Number) must be submitted to the Town Engineer for coverage under the NPDES General Construction Permit. Implementation of requirements set forth by the Town of Apple Valley would ensure impacts to water quality are reduced to a less than significant level.

g: **Less than Significant Impact.** The project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan because the project has adequate access from two or more points of access.

h: **No Impact.** The project is not located within a 100-year or 500-year flood hazard area, as mapped on FIRM Panel No. 06071C6505H dated August 28, 2008. No impacts related to this issue are anticipated to occur.

i-j: **No Impact.** No levees, dams or large bodies of water are located near the development site which would subject people to flooding. The site is also not located in a coastal area and, therefore, would not be subject to seiche, tsunami or mudflow.

IX. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION:

- a: **Less than Significant Impact.** The proposed project will not violate any water quality standards or waste discharge requirements because the Regional Water Quality Control Board (RWQCB), responsible for administering the Federal Clean Water Act on a regional level, has standards and waste

discharge requirements for water quality that must be met during both construction of a project and ongoing during the life of a project.

On-site grading activities associated with the construction period will require the movement of on-site soils, which may result in a temporary increase in the amount of suspended solids in surface flows during a concurrent storm event and could increase the potential for erosion and off-site sedimentation. The proposed residential uses may incrementally increase the potential for storm runoff. In addition, the proposed project will modify the quality, quantity, and absorption rate of the project site's runoff due to the development of buildings, parking lots, and driveways. These new impervious surfaces may contribute to the degradation of water quality in storm flows through carrying runoff from areas tainted by sediment, petroleum products, and/or other contaminants.

The project site is larger than one acre and, therefore, is required to comply with the National Pollutant Discharge Elimination System (NPDES) to minimize water pollution. The Town's NPDES permit establishes measures that sufficiently mitigate potential impacts associated with construction-related discharge. Development in the Town of Apple Valley is subject to the State of California's General Construction Permit under the NPDES. The Permit requires that any development proposal that would disturb more than one acre is required to file a Notice of Intent (NOI) and prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) prior to implementation of grading or other soil-disturbing activities. In addition to the preparation of an SWPPP, the developer will be required to submit a project specific

Water Quality Management Plan (WQMP). The WQMP will identify measures to treat and/or limit the post-construction entry of contaminants into storm flows. The WQMP is required to be incorporated by reference or attached to the project's SWPPP as the Post-Construction Management Plan. Adherence to standard requirements, including obtaining an NPDES permit and the preparation of the SWPPP and WQMP, and Town runoff conveyance standards, will reduce potential water quality impacts to a less than significant level. Permits are administered by the State Water Resources Contract Board (SWRCB) through the required Lahontan RWQCB.

- b: ***Less than Significant Impact.*** The project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level because the project is served by an existing water purveyor that has indicated that there is currently sufficient capacity in the existing water system to serve the anticipated needs of the project.

- c-e: ***Less than Significant Impact.*** The existing surface drainage on the site follows the surface contours that drain to the north and west via sheet flow. An existing broad drainage course traverses north toward Sitting Bull Road in the westerly portion of the project site. The project site drains westerly toward this drainage course. Development east of the logical extension of Deep Creek Road has occurred in which areas from the properties drain to the project site. The Town of Apple Valley Master Plan of Drainage includes creating a broad drainage course on the westerly portion of the project site. A portion of this master plan facility, which consists of a retention/detention basin, has been constructed north of Sitting Bull Road. The project will include a drainage plan that will accommodate the off-site flows from the existing development to the east. A storm drain system will be constructed as part of the proposed project to carry the flows to the proposed master plan facility. For these reasons, impacts associated with drainage patterns for the project site are considered less than significant.

- f: ***Less than Significant Impact.*** Grading activities associated with the construction could result in temporary increase in the amount of suspended solids in surface flows during a concurrent storm event,

thus resulting in surface water quality impacts. The site is more than one (1) acre; therefore, is required to comply National Pollution Discharge Elimination System (NPDES) to minimize water pollution. The General Construction permit requires recipients to reduce or eliminate non-storm water discharges into stormwater systems, and to develop and implement a Storm Water Pollution Prevention Plan (SWPPP).

Prior to issuance of grading permits, the applicant is required to submit a Notice of Intent (NOI) to the Town Engineer to comply with obtaining coverage under the NPDES General Construction Storm Water Permit from the SWRCB. Evidence that this has been obtained (i.e., a copy of the Waste Dischargers Identification Number) must be submitted to the Town Engineer for coverage under the NPDES General Construction Permit. Implementation of requirements set forth by the Town of Apple Valley would ensure impacts to water quality are reduced to a less than significant level.

- g: **Less than Significant Impact.** The project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan because the project has adequate access from two or more points of access.
- h: **No Impact.** The project is not located within a 100-year or 500-year flood hazard area, as mapped on FIRM Panel No. 06071C6505H dated August 28, 2008. No impacts related to this issue are anticipated to occur.
- i-j: **No Impact.** No levees, dams or large bodies of water are located near the development site which would subject people to flooding. The site is also not located in a coastal area and, therefore, would not be subject to seiche, tsunami or mudflow.

X. LAND USE AND PLANNING

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

- a: **No Impact.** The project proposes development on vacant land adjacent to existing residential developments on the north and east. The project represents a continuation of the surrounding residential uses. Development of the site will not divide an existing neighborhood, nor would it introduce a barrier between residential uses. Therefore, no impacts associated with physically dividing an established neighborhood are anticipated.

- b: **Less than Significant Impact.** The proposed project includes a General Plan Amendment and Zone Change. The existing General Plan designation and Zoning include R-E (1 dwelling unit per 2.5 net acres) the proposed project would change these designations to R-SF Residential Single Family (1 dwelling unit per 0.4 to 0.9 net acre). The proposed project would increase the number of single-family residential dwellings allowed on the subject area from approximately 135 dwellings (R-E 1 dwelling unit per gross acre up to approximately 270 dwelling units (R-SF 1 dwelling unit per half-acre). The Tentative Tract proposes 168 single-family residential dwelling units which is below the maximum density of the R-SF land use designation. Nevertheless, the proposed project would increase the number of single-family residential dwellings. The General Plan states “Apple Valley is primarily a community of homes, many of which are located on lots of approximately one-half acre or more. Maintenance of a rural lifestyle is an important concept. In Apple Valley ‘rural’ means space unscarred mountains and vistas of desert valleys, neighborhoods of large lots, an extensive equestrian trail system, and landscaping in keeping with the desert environment.” The project proposes ½-acre lot single-family dwellings and includes the extension of the equestrian multi-use trail along Sitting Bull Road and Deep Creek Road. For these reasons, the implementation of the proposed project would not conflict with any applicable land use plan, policy, or regulation; a less than significant impact would occur.
- c: **Less than Significant Impact** The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or state habitat conservation plan because no such plan has been adopted in the area of the project site; however, the Town has a draft Multi-Species Habitat Conservation Plan. At such time the site is to be developed, the project will be subject to the mitigation measures identified in the MHCP.

XI. MINERAL RESOURCES

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION (check ___ if project is located within the Mineral Resource Zone Overlay):

- a. **No Impact.** The site is not designated as a State Aggregate Resource Area according to the General Plan FEIR; therefore, there is no impact.
- b. **No Impact.** The site is not designated by the General Plan as a Mineral Resource Zone; therefore, there is no impact.

XII. NOISE

Would the project result in:

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?
- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

SUBSTANTIATION (check if the project is located in the Noise Hazard Overlay District ____ or is subject to severe noise levels according to the General Plan Noise Element __):

a: **Less than Significant Impact with Mitigation.** Sensitive receptors within the project vicinity that may be affected by increased noise levels associated with the proposed project include single-family residences to the north, undeveloped land to the south, single-family residences to the east and north, and Sitting Bull elementary and Sitting Bull Middle School to the west. These sensitive land uses may be potentially affected by noise generated during construction and operation of the proposed project. As addressed within the Noise Analysis Study, the proposed project has the potential to cause noise levels to exceed the standards within the Town Code during construction and operational phases. Short-term noise increases from the proposed project would be generated during grading and construction activities. These activities would be short-term and would be subject to the construction activity restrictions in the Town Code. Construction of the proposed project would potentially result in noise levels exceeding the maximum noise level allowed at the closest residences. In addition, operational noise impacts would occur from traffic-related noise conditions in the vicinity of the project site. Traffic noise impacts would occur with operation of the proposed project that would create new vehicular traffic within the project site and expose on-site residential uses to traffic noise levels exceeding the exterior noise standard of 65 dBA CNEL and/or the interior noise standard of 45 dBA CNEL from traffic on Sitting Bull Road and Deep Creek Road. With implementation of the identified mitigation measures, potential short-term construction and long-term operational noise impacts would be reduced to below a level of significance.

Mitigation Measures

Short-Term Construction-Related Impacts. The following measures would reduce short-term construction-related noise impacts associated with the proposed project:

- N-1** The construction contractor shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
- N-2** The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors to the west of the site.
- N-3** The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors to the west of the site during all project construction.
- N-4** All construction, maintenance, or demolition activities within the Town's boundary shall be limited to the hours of 7:00 a.m.–7:00 p.m. of any working day Monday through Friday, and all construction, maintenance, or demolition activities shall be prohibited on Saturdays, Sundays and holidays. Exceptions to these standards may be granted by the Town Council.

Traffic Noise Impacts. The following mitigation measure would reduce long-term traffic noise impacts associated with the proposed project:

Mitigation Measures

- N-5** A sound wall or sound wall and berm combination with an effective height of 6 feet above grade is required for the entire portion of the project along Sitting Bull Road.
- N-6** Any backyards, balconies, or decks for the dwelling units along Deep Creek Road that are within 57 feet of the roadway centerline require a sound wall or sound wall and berm combination with an effective height of 6 feet above grade.
- N-7** Front-row residential units require a mechanical ventilation system such as an air conditioning system if they are:
 - Within 288 feet of the roadway centerline of Sitting Bull Road; or
 - Within 193 feet of the roadway centerline of Deep Creek Road.
- N-8** Any second-floor balconies or decks along:
 - Sitting Bull Road require a 5-foot high noise barrier.
 - Deep Creek Road require a 5-foot high noise barrier.

Source: LSA Associates, Inc., Noise Analysis, August 2007, and Town of Apple Valley Development Code, 9.73.050

b: **Less than Significant.** Construction of and operation of the uses associated with this type of project do not induce substantial groundborne vibrations. As such, a less than significant impact is anticipated.

c: **Less than Significant Impact with Mitigation.** As addressed in response XIa, the proposed project would generate new traffic, which has the potential to increase the ambient noise level in the project vicinity. With implementation of mitigation measures N-5 through N-8, potential long-term noise impacts resulting from operation of the proposed project would be reduced to a less than significant impact.

Source: LSA Associates, Inc., Noise Analysis, August 2007.

d: **Less than Significant Impact with Mitigation.** As addressed in response XIa, the proposed project would temporarily increase ambient noise levels during the construction. With implementation of mitigation measures N-1 through N-4, potential short-term noise impacts resulting from the construction of the proposed project would be reduced to a less than significant level.

Source: LSA Associates, Inc., Noise Analysis, August 2007.

- e: **No Impact.** The proposed project is not located within two miles of a public airport and, therefore, does not have the potential to expose people to excessive noise levels from airport operations.
- f: **No impact.** The proposed project site is not located within the vicinity of a private airstrip; therefore, no impact associated with this issue will occur.

XIII. POPULATION AND HOUSING

Would the project result in:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

a: **Less than Significant Impact.** The proposed project site consists of the construction of 168 dwelling units. These new dwelling units would induce population growth to the area. The proposed project would construct 168 dwelling units and generate a population increase of approximately 504 persons. The proposed project site is currently designated as residential use in the General Plan. The proposed residential uses meet the Town’s goal of providing housing opportunities for the increasing population within the Town of Apple Valley. As the proposed project is consistent with and has been anticipated by the Town’s General Plan, a less than significant growth inducing impact would be associated with development of the project site.

Source: Apple Valley General Plan, Housing Element.

- b: **No Impact.** The proposed project site is currently vacant and, therefore, no displacement of housing or residents will occur. Replacement housing will not be required and no impact associated with this issue will occur.
- c: **No Impact.** The proposed project site is currently vacant. As such, the development of the project will not displace substantial numbers of people or necessitate the need for construction of replacement housing elsewhere. No impact associated with this issue will occur.

XIV. PUBLIC SERVICES

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to				

maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

FIRE - *Less than Significant Impact.* Fire service would be provided to the project uses by the Apple Valley Fire Protection District. The proposed project is located approximately one mile from Station No. 334 located at 12143 Kiowa Road and Station No. 336 located at 19235 Yucca Loma Road. Due to the close proximity of the two fire stations, the proposed project would be within the standard respond times of the Fire Protection District. However, as with any new development, the proposed project would increase the need for fire protection services within the Town. As a result, the applicant for the construction of the new dwelling units will be required to pay applicable fire service fees prior to occupancy. The payment of fees satisfies the requirements for development impacts on fire services. With the payment of the fire service fee, potential impacts related to the provision of fire services would be reduced to a less than significant level.

Source: Town of Apple Valley, General Plan EIR

POLICE - *Less than Significant Impact.* The Town of Apple Valley provides law enforcement services for residents and businesses within the Town limits via a contract with the San Bernardino County Sheriff’s Department. The Sheriff station is located at 14931 Dale Evans Parkway. Based on the projected increase in population at build-out, the project does not warrant an additional police officer. Further, the construction of new dwelling units will be required to pay applicable law enforcement facilities fee prior to occupancy. The payment of fees satisfies the requirements for development impacts on police facilities. With the payment of the law enforcement facilities fees, potential impacts related to the provision of police services would be reduced to a less than significant level.

Source: Town of Apple Valley, General Plan EIR and Building & Safety Impact Fee Schedule

SCHOOL- *Less than Significant Impact.* Implementation of the proposed project will lead to the construction of 168 residential dwelling units that would generate school-aged children. The Apple Valley Unified School District would serve the project site. The nearest schools to the proposed project include Sitting Bull Elementary School, Sitting Bull Middle School, Apple Valley High School, and Willow Park High School. Section 65995 of the California Government Code requires developers to pay a onetime fee for school capital acquisitions and improvements and prohibits state or local agencies from imposing school impact mitigation fees, dedications or other requirements in excess of those provided in the statute. As such, the applicant for the construction of the new dwelling units proposed in the project is required to pay applicable school fees prior to occupancy. The payment of fees satisfies the requirements for the development impacts on school facilities. With the payment of school impact mitigation fees, potential impacts related to the provision of schools would be reduced to a less than significant level.

Source: Town of Apple Valley, General Plan EIR

PARKS - Less than Significant Impact. The proposed development of approximately 168 dwelling units would increase the current population by approximately 504 persons. The increase in population would result in increased demand for and use of local parks. In order to reduce potential impacts upon local parks, the proposed project shall be required to dedicate land to pay its fair share for park facilities. As proposed the map is providing a ten (10) acre park site. Through the parkland dedication and development impacts on park facilities would be reduced to less than significant.

PUBLIC FACILITIES - Less than Significant Impact. The development will not exceed demand that has been previously considered in The Town’s General Plan EIR.

XV. RECREATION

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

- a: **Less than Significant Impact.** The project proposes development of 168 dwelling units, which would increase the current population by 504 persons. This population increase may result in impacts to local and regional park facilities. The project site is located in close proximity to many regional recreational opportunities. There are a total of thirteen (13) local parks within the Town’s jurisdictional boundaries. Four (4) of the thirteen (13) parks are located approximately 2.5 miles from the project site and would be used by residents within the proposed project. These parks include Norm Schmidt Memorial Park, Mendel Park, Yucca Loma Park, and the James A. Woody Community Center. The project includes the dedication of a ten (10) acre park; therefore, impacts on local park facilities would be fully mitigated for the proposed project to a less than significant level
- b: **Less than Significant Impact.** As discussed in Section XIII, Public Service, the population increase of 504 persons associated with the proposed project will increase demands on local parks within the Town of Apple Valley. Using the Quimby Act parkland ratio of 5 acres per 1,000 persons, the proposed project would require approximately 2.5 acres of parkland to support its population. Therefore, by dedicating ten (10) acres of parkland on site, impacts on park facilities would be fully mitigated for the proposed project to a less than significant level. Impacts to regional parks and recreational facilities would be considered less than significant. The additional population attributable to the proposed project would result in increased use of regional parks and recreational facilities.

XVI. TRANSPORTATION/TRAFFIC

Would the project result in:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measure of effectiveness for the				

performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system including but not limited to intersection, streets, highways and freeways, pedestrian and bicycle paths and mass transit?

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

e) Result in inadequate emergency access?

f) Result in inadequate parking capacity?

g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

SUBSTANTIATION:

a. ***Less than Significant Impact.*** Access to the site will be provided via Sitting Bull Road and Apple Valley Road. Regional access to the site is provided by Interstate 15 via an interchange on Bear Valley Road and by State Route 18. The proposed project would increase the existing traffic load along the aforementioned roadways as well as impact others within the vicinity of the project site. Due to the potential increase in existing traffic capacity of the street system, a Traffic Impact Analysis for the proposed project was prepared by LSA (November 2011) to assess the potential circulation impacts associated with its development. The proposed project is expected to generate at build out a total of 1,608 new daily trips, with 170 trips occurring during the a.m. peak hour and 126 trips occurring during the p.m. peak hour. The traffic impact analysis included the eight (8) intersections listed below.

The study area for the traffic impact analysis includes the following intersections:

- Spring Valley Parkway/Bear Valley Road;
- Apple Valley Road/Sitting Bull Road;
- Apple Valley Road/Bear Valley Road;
- Choco Road Road-Project Access 1/Sitting Bull Road;
- Tawya Road-Project Access 2/Sitting Bull Road;
- Valley View Court-Project Access/Sitting Bull Road;

- Rincon Road/Sitting Bull Road.
- Bear Valley Road/Deep Creek Road

According to the Traffic Study, all studied intersections are forecasted to operate at satisfactory levels of service with the addition of traffic from the proposed project. The roadway adjacent to the development will be required to be improved to the Town’s road standards and is consistent with the Circulation Map. All new projects are required to pay traffic impact fees to reduce regional traffic impacts. Therefore, there will be a less than significant impact.

Sources: LSA Associates, Inc., Traffic Impact Analysis, November 2011 and Town of Apple Valley, General Plan EIR.

- b. **Less than Significant Impact.** As previously discussed, the project is expected to generate at build out a total of 1,608 new daily trips, with 170 trips occurring during the a.m. peak hour and 126 trips occurring during the p.m. peak hour. The roadway adjacent to the development will be required to be improved to the Town’s road standards and is consistent with the Circulation Map. The project requires payment of traffic impact fees to reduce regional traffic impacts. Therefore, there will be a less than significant impact.
Sources: LSA Associates, Inc., Traffic Impact Analysis, November 2011
- c. **No Impact.** The proposed project is not located within the vicinity of an airport nor will it increase the traffic levels near an airport. Therefore, it will not cause any changes to air traffic patterns. No impacts are anticipated.
- d. **No Impact.** The proposed project is located in an area that contains existing development. The project does not include the construction of any sharp curves. The new intersections to be created as part of the project align with existing roadways. As the project does not include the construction of any structure or feature that will create a substantial increase in hazards due to a design feature, no impacts are anticipated.
- e. **No Impact.** The project will be designed to provide access for all emergency vehicles and, therefore, will not create inadequate emergency access. Primary access would be provided via Sitting Bull and Deep Creek Road. Secondary access routes Skyline Drive and Geronimo Road. The nearest emergency evacuation/access is Bear Valley Road, located south of the site. The Apple Valley Fire Protection District will review the TTM for adequate emergency access and development requirements as conditions of approval. No impacts are anticipated.
- f. **No Impact.** At the time of development of the lots, the project is required to comply with the Development Code standards to meet parking capacity that includes a minimum two (2)-car enclosed garage for each residential dwelling unit with driveway access from the public right- of-way. Therefore, the project will not result in inadequate parking capacity and no impact will occur.
Source: Town of Apple Valley Development Code, Off-Street Parking and Loading Regulations
- g. **No Impact.** The project design provides ample area for pedestrian access. The project does include the installation of a multi-use trail on Sitting Bull and Deep Creek Roads which encourages and support alternative transportation and would not interfere with any existing or proposed bus stops.

XVI. TRANSPORTATION/TRAFFIC

Would the project result in:

Potentially Significant	Less than Significant with	Less than Significant	No
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	Impact	Mitigation Incorp.	Impact	Impact
a) Conflict with an applicable plan, ordinance or policy establishing measure of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system including but not limited to intersection, streets, highways and freeways, pedestrian and bicycle paths and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

a. ***Less than Significant Impact.*** Access to the site will be provided via Sitting Bull Road and Apple Valley Road. Regional access to the site is provided by Interstate 15 via an interchange on Bear Valley Road and by State Route 18. The proposed project would increase the existing traffic load along the aforementioned roadways as well as impact others within the vicinity of the project site. Due to the potential increase in existing traffic capacity of the street system, a Traffic Impact Analysis for the proposed project was prepared by LSA (November 2011) to assess the potential circulation impacts associated with its development. The proposed project is expected to generate at build out a total of 1,608 new daily trips, with 170 trips occurring during the a.m. peak hour and 126 trips occurring during the p.m. peak hour. The traffic impact analysis included the eight (8) intersections listed below.

The study area for the traffic impact analysis includes the following intersections:

- Spring Valley Parkway/Bear Valley Road;
- Apple Valley Road/Sitting Bull Road;
- Apple Valley Road/Bear Valley Road;
- Choco Road Road-Project Access 1/Sitting Bull Road;

- Tawya Road-Project Access 2/Sitting Bull Road;
- Valley View Court-Project Access/Sitting Bull Road;
- Rincon Road/Sitting Bull Road.
- Bear Valley Road/Deep Creek Road

According to the Traffic Study, all studied intersections are forecasted to operate at satisfactory levels of service with the addition of traffic from the proposed project. The roadway adjacent to the development will be required to be improved to the Town's road standards and is consistent with the Circulation Map. All new projects are required to pay traffic impact fees to reduce regional traffic impacts. Therefore, there will be a less than significant impact.

Sources: LSA Associates, Inc., Traffic Impact Analysis, November 2011 and Town of Apple Valley, General Plan EIR.

- b. ***Less than Significant Impact.*** As previously discussed, the project is expected to generate at build out a total of 1,608 new daily trips, with 170 trips occurring during the a.m. peak hour and 126 trips occurring during the p.m. peak hour. The roadway adjacent to the development will be required to be improved to the Town's road standards and is consistent with the Circulation Map. The project requires payment of traffic impact fees to reduce regional traffic impacts. Therefore, there will be a less than significant impact.
Sources: LSA Associates, Inc., Traffic Impact Analysis, November 2011
- c. ***No Impact.*** The proposed project is not located within the vicinity of an airport nor will it increase the traffic levels near an airport. Therefore, it will not cause any changes to air traffic patterns. No impacts are anticipated.
- d. ***No Impact.*** The proposed project is located in an area that contains existing development. The project does not include the construction of any sharp curves. The new intersections to be created as part of the project align with existing roadways. As the project does not include the construction of any structure or feature that will create a substantial increase in hazards due to a design feature, no impacts are anticipated.
- e. ***No Impact.*** The project will be designed to provide access for all emergency vehicles and, therefore, will not create inadequate emergency access. Primary access would be provided via Sitting Bull and Deep Creek Road. Secondary access routes Skyline Drive and Geronimo Road. The nearest emergency evacuation/access is Bear Valley Road, located south of the site. The Apple Valley Fire Protection District will review the TTM for adequate emergency access and development requirements as conditions of approval. No impacts are anticipated.
- f. ***No Impact.*** At the time of development of the lots, the project is required to comply with the Development Code standards to meet parking capacity that includes a minimum two (2)-car enclosed garage for each residential dwelling unit with driveway access from the public right-of-way. Therefore, the project will not result in inadequate parking capacity and no impact will occur.
Source: Town of Apple Valley Development Code, Off-Street Parking and Loading Regulations
- g. ***No Impact.*** The project design provides ample area for pedestrian access. The project does include the installation of a multi-use trail on Sitting Bull and Deep Creek Roads which encourages and support alternative transportation and would not interfere with any existing or proposed bus stops.

XVII. UTILITIES AND SERVICE SYSTEMS

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill(s) with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

a. **Less than Significant Impact with Mitigation.** Under Section 402 of the Federal Clean Water Act (CWA), the Regional Water Quality Control Board (RWQCB) issues NPDES permits to regulate waste discharges to “waters of the U.S.” Waters of the U.S. include rivers, lakes, and their tributary waters. Waste discharges include discharges of stormwater and construction project discharges. A construction project resulting in the disturbance of more than one acre requires an NPDES permit. Construction project proponents are also required to prepare a Storm Water Pollution Prevention Plan (SWPPP). Prior to the issuance of building permits, the project applicant will be required to satisfy Victor Valley Wastewater Reclamation Authority (VWWRA) requirements related to the payment of fees and/or the provision of adequate wastewater facilities, as addressed in Mitigation Measure UTIL-1. Because the project will comply with the waste discharge prohibitions and water quality objectives established by the RWCQB, VWWRA, and the Town of Apple Valley, impacts related to this issue would be reduced to a less than significant level with implementation of Mitigation Measure UTIL-1.

Mitigation Measure

UTIL-1 Prior to the issuance of building permits, the project applicant will be required to satisfy RWQCB and VVWRA requirements related to the payment of fees and/or the provision of adequate wastewater facilities.

b&e: ***Less than Significant Impact with Mitigation.*** As previously discussed, wastewater treatment services to the project would be provided by the VVWRA. The VVWRA is a California Joint Powers Authority that owns and operates regional wastewater collection and treatment facilities which services the Victor Valley. The applicant for the construction of the new dwelling units proposed in the project is required to satisfy RWQCB and VVWRA payment of fees. The payment of fees satisfies the requirements for the development impact on wastewater treatment facilities. Implementation of Mitigation Measure UTIL-1 would ensure that impacts to wastewater facilities with the development of the proposed project would not result. For these reasons, impacts to wastewater treatment facilities would be less than significant. The proposed project water services are provided by Apple Valley Ranchos Water Company (AVRWC).

The proposed project would require installation of water mains and infrastructure to support the development of the proposed project. Implementation of Mitigation Measures UTIL-2 and UTIL-3 would ensure a less than significant impact would result to water services with development of the proposed project.

Mitigation Measure

UTIL-2 Prior to issuance of occupancy permits, the project applicant shall be required to install water-conserving fixtures within each dwelling unit.

UTIL-3 Prior to issuance of occupancy permits, the project applicant shall install water mains and required delivery infrastructure to supply the proposed project with water as approved by the Town.

c: ***Less than Significant Impact with Mitigation.*** Development of the proposed project would result in an increase in the amount of impermeable surfaces and, therefore, an increase in surface runoff. The project would need to construct new stormwater drainage facilities to handle this runoff. Potential impacts would be mitigated through proper site grading and constructing storm drainage systems. All development is required to comply with NPDES standards and established engineering design related to site drainage as determined by the Town Engineering Division. Implementation of Mitigation Measure UTIL-4 would result in a less than significant impact associated with stormwater drainage issues.

Mitigation Measure

UTIL-4 Prior to issuance of building permits, the project applicant shall construct storm drain facilities as approved by the Town Engineer.

d: ***Less than Significant Impact*** The site is currently within a Apple Valley Ranchos Water Company service area. A letter from the water agency indicating their ability to supply water to the development was received.

f. ***Less than Significant Impact.*** The Town of Apple Valley's contractor for trash and recycling pickup is (AVCO), a subsidiary of Burrtec Waste Industries, Inc. Based on a solid waste generation of approximately 12.23 pounds per household per day, the 168 dwelling units proposed within the project would generate approximately 2,055 pounds of waste per day. Solid waste from the proposed project would be transported to the Victorville Regional Landfill. The estimated closure date for this facility is October 1, 2047. Development of the proposed project will not significantly impact current operations

or the expected lifetime of the landfill. On-site uses will be required to comply with the Town and State waste reduction and recycling standards. For these reasons, plus adherence to existing local, State, and Federal solid waste requirements, potential impacts associated with landfill capacity would be reduced to a less than significant level.

- g: **Less than Significant Impact.** The proposed project will be required to comply with applicable elements of AB 1327, Chapter 18 (California Solid Waste Reuse and Recycling Access Act of 1991) and other applicable local, State, and Federal solid waste disposal standards. For these reasons, impacts associated with solid waste regulatory compliance are considered to be less than significant.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Does the project have environmental effects which will cause Substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

- a. **Less than Significant Impact with Mitigation.** The site is not within designated or proposed critical habitat for threatened or endangered species. Additionally, the proposed project site does not contain any wetlands, or riparian habitat. The proposed project site does contain suitable habitat for nesting birds, raptors, and burrowing owls; however, implementation of Mitigation Measures BIO-1 through BIO-4 would reduce potential impacts to biological resources to a less than significant level. The project area has the potential to contain significant paleontological and archaeological resources. Implementation of Mitigation Measures CUL-1 and CUL-2 would reduce potential impacts to archaeological and paleontological resources to a less than significant level. Adherence to standard Town and State measures related to the discovery, recovery, and/or recordation of cultural resources and/or human remains during

construction activities would ensure a less than significant impact to cultural resources would result from the implementation of the proposed project.

- b. ***Less than Significant Impact.*** With implementation of mitigation contained in this Initial Study, environmental impacts associated with the project will be reduced to a less than significant level; therefore, the proposed project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- c. ***Less than Significant Impact with Mitigation.*** The proposed project site is located within an area designated by the Town for residential uses. While development of the proposed project would generate fugitive dust and pollutant emissions during construction, it would not result in any significant operational air quality impacts. Thus, it is not anticipated that these additional emissions would result in significant cumulative air quality impacts. Impacts related to biological resources, cultural resources, geology and soils, hazards, noise, public services, traffic and utilities and services are similarly reduced to a less than significant level through the implementation of mitigation measures and the adherence to established Town-mandated standards. There are no projects that, in combination with the proposed project would create a cumulatively considerable impact over and above those identified in this Initial Study/Mitigated Negative Declaration. The potential cumulative impacts associated with development of the proposed project are, therefore, less than significant.
- d. ***Less than Significant Impact.*** As identified in this Initial Study/Mitigated Negative Declaration, it was determined that the significance of environmental impacts associated with new development resulting from the proposed project were either no impact, less than significant impact, or less than significant impact with mitigation incorporated. For all topics, the project would not produce a significant effect on the environment. Correspondingly, the project would not produce an adverse impact on humans for those environmental topics that relate directly to humans such as aesthetics, air quality, cultural resources, geology and soils, hazards and hazardous material, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, and utilities and service systems.

XIX. MITIGATION MEASURES

AIR QUALITY

Mitigation Measures

- AIR-1** The construction contractor shall select the construction equipment used on site based on low emission factors and high energy efficiency. The construction contractor shall ensure that construction grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer's specifications.
- AIR-2** The construction contractor shall utilize electric- or diesel-powered equipment in lieu of gasoline-powered engines where feasible.
- AIR-3** The construction contractor shall ensure that construction grading plans include a statement that work crews will shut off equipment when not in use.
- AIR-4** The construction contractor shall time the construction activities so as not to interfere with peak-hour traffic and to minimize obstruction of through traffic lanes adjacent to the site; if necessary, a flag person shall be retained to maintain safety adjacent to existing roadways.

AIR-5 The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.

BIOLOGICAL RESOURCES

Mitigation Measures

BIO-1 Prior to ground-disturbing and construction-related activities, a focused survey for the burrowing owl shall be conducted by a qualified biologist, to identify the exact location of occupied burrows. If the burrowing owl is determined to be present, mitigation measures would include either passive or active relocation. Passive relocation involves excluding the burrowing owl from burrows within the construction limits. Active relocation involves the capture and relocation of the owl. Any mitigation measures will require consultation with California Department of Fish and Game (CDFG). Although surveys can be conducted year round, the California Burrowing Owl Consortium Survey Guidelines and CDFG Staff Report on Burrowing Owl Mitigation recommend that both a winter and spring focused survey for this species may be required to confirm presence or absence of the species. Winter surveys are conducted December 1 through January 31 and spring surveys (breeding or nesting season) are conducted February 1 through August 31.

BIO-2 Occupied burrowing owl burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the CDFG verifies through non-invasive methods approved by the CDFG verifies through non-invasive methods either: 1) the birds have not begun egg-laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

To offset the loss of foraging and burrow habitat on the project site, a minimum of 6.5 acres of burrowing owl habitat per pair or unpaired birds shall be acquired and permanently protected. Existing unsuitable burrows should be enhanced or new burrows created at a ratio of 2:1 on the protected lands. The project proponent shall provide funding for long-term management and monitoring of the protected lands. A monitoring plan for the protected lands shall be required which includes success criteria, remedial measures, and annual reports to the CDFG.

BIO-3 Prior to a decision on any future application for entitlements that would allow ground disturbance, the Town will require an updated desert tortoise survey for the whole site to be completed. This survey will be coordinated with the CDFG to ensure that the findings are considered valid. If desert tortoises are determined to occupy the site, a 2081 Incidental Take Permit that the site developer will be required to obtain and present to the Town prior to being issued a grading permit for the project site. If desert tortoise is found on the property during the forthcoming survey, the developer will be required to obtain an Incidental Take Permit (Section 7 or 10) from the U.S. Fish and Wildlife Service, in addition to the 2081 Permit before ground disturbance will be permitted.

BIO-4 If possible, vegetation removal activities shall occur outside the nesting season for migratory birds (typically February 15 through August 15) to avoid potential impacts to nesting birds. If not possible, Mitigation Measure BIO-5 shall apply.

BIO-5 If vegetation removal does occur during nesting season (February 15 through August 15), a qualified biologist shall survey all suitable habitat for the presence of nesting birds prior to commencement of any vegetation clearing. If any active nests are detected, a buffer of at least 100 feet (300 feet for raptors) shall be delineated, flagged, and the nest shall be avoided.

CULTURAL RESOURCES

Mitigation Measure

CUL-1 Under the direction of the Town of Apple Valley Planning Division, the following PRIMP shall be implemented during the excavation phase of the project:

- A trained paleontological monitor will be present during ground-disturbing activities within the project area in sediments that were determined likely to contain paleontological resources. The monitoring for paleontological resources will be conducted initially on a half-time basis. When fossil resources are encountered, the monitoring will increase to full-time. The monitor will be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. The monitor will be equipped to rapidly remove any large fossil specimens encountered during excavation.
- During monitoring, samples will be collected and processed to recover microvertebrate fossils. Processing will include wet screen washing and microscopic examination of the residual materials to identify small vertebrate remains.

GEOLOGY AND SOILS

Mitigation Measures

GEO-1 Prior to the issuance of grading permits, the project applicant shall submit a slope stability analysis to the Town Engineering Division and receive approval of the analysis from the Town Engineering Division.

GEO-2 The design and construction of the proposed on-site uses shall adhere to the recommendations identified in the geotechnical investigation prepared for the proposed project site, or as determined appropriate by the Town, the standards and requirements established in the UBC.

GEO-3 The requirements and recommendations for earthwork, grading and seismic parameters included within the Zeiser Kling Geotechnical Feasibility Investigation dated September 25, 2006, shall be incorporated into the proposed project.

GEO-4 Prior to the issuance of grading permits, the project applicant shall submit refined or verified expansion potential values for the proposed project site to the Town Engineering Division and receive approval of the new values and conclusions from the Town Engineering Division.

GREENHOUSE GAS EMISSIONS

Mitigation Measures

GH-1: During project construction, on-site off-road construction equipment shall utilize biodiesel fuel (a minimum of B20), except for equipment where use of biodiesel fuel would void the equipment warranty. The applicant shall provide documentation to the Town that verifies that certain pieces of equipment are exempt, a supply of biodiesel has been secured, and that the construction contractor is aware that the use of biodiesel is required. As a conservative measure, no reduction in GHG emissions was taken for the implementation of this measure as it is unknown if biodiesel can be readily applied to the various pieces of construction equipment that will be necessary for the project.

GH-2: Building and site plan designs shall ensure that the project energy efficiencies surpass applicable 2008 California title 24 Energy Efficiency Standards and Green Building Code. Verification of increased energy efficiencies shall be documented in Title 24 compliance Reports provided by the applicant, and reviewed and approved by the Town prior to the

issuance of the first building permit. Any combination of the following design features, or additional features may be used to fulfill this measure:

- Buildings shall exceed California Title 24 Energy Efficiency performance standards for water heating and space heating and cooling.
- Increase insulation such that that heat transfer and thermal bridging is minimized.
- Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption.
- Incorporate dual-paned or other energy efficient windows.
- Incorporate energy efficient space heating and cooling equipment.
- Promote building design that will incorporate solar control in an effort to minimize direct sunlight upon windows. A combination of design features including roof eaves, recessed windows, “eyebrow” shades, and shade trees shall be considered.
- Interior and exterior energy efficient lighting, which exceeds the California Title 24 Energy Efficiency performance standards, shall be installed, as deemed acceptable by Town. Automatic devices to turn off lights when they are not needed shall be implemented.
- To the extent that they are compatible with landscaping guidelines established by the town, shade-producing trees, particularly those that shade paved surfaces such as street and parking lots and buildings shall be planted at the Project site.
- Paint and surface color palette for the project shall emphasize light and off-white colors, which will reflect heat away from the building.
- Consideration shall be given to using LED lighting for all outdoor uses (i.e. buildings, pathways, landscaping and carports).

GH-3: To reduce energy demand with potable water conveyance:

- Landscaping palette emphasizing drought tolerant plants and exceeding Town standards for water conservation.
- Limit turf areas to no more than (20%) of all landscaped areas (Non Sport Turf Areas)
- Use of water-efficient irrigation techniques exceeding Town standards for water conservation.
- U.S. EPA Certified Water Sense labeled or equivalent faucets, high-efficiency toilets (HETs), and water conserving showerheads.

GH-4: Install Energy Star appliances and energy efficient fixtures.

GH-5: Install all CFL or LED light bulbs.

GH-6: Install solar panels sufficient to heat water within the project.

GH-7: Install solar or photovoltaic systems on new roofs.

GH-8: Use bio-gas in appropriate applications.

GH-9: Provide educational information to residents addressing energy efficiency, solid waste reduction, and water conservation measures.

NOISE

Mitigation Measures

N-1 The construction contractor shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers’ standards.

- N-2** The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors to the west of the site.
- N-3** The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors to the west of the site during all project construction.
- N-4** All construction, maintenance, or demolition activities within the Town's boundary shall be limited to the hours of 7:00 a.m.–7:00 p.m. of any working day Monday through Friday, and all construction, maintenance, or demolition activities shall be prohibited on Saturdays, Sundays and holidays. Exceptions to these standards may be granted by the Town Council.
- N-5** A sound wall or sound wall and berm combination with an effective height of 6 feet above grade is required for the entire portion of the project along Sitting Bull Road.
- N-6** Any backyards, balconies, or decks for the dwelling units along Deep Creek Road that are within fifty-seven (57) feet of the roadway centerline require a sound wall or sound wall and berm combination with an effective height of six (6) feet above grade.
- N-7** Front-row residential units require a mechanical ventilation system such as an air conditioning system if they are:
- Within 288 feet of the roadway centerline of Sitting Bull Road; or
 - Within 193 feet of the roadway centerline of Deep Creek Road.
- N-8** Any second-floor balconies or decks along:
- Sitting Bull Road require a 5-foot high noise barrier.
 - Deep Creek Road require a 5-foot high noise barrier.

UTILITIES AND SERVICE SYSTEMS

Mitigation Measure

- UTIL-1** Prior to the issuance of building permits, the project applicant will be required to satisfy RWQCB and VVWRA requirements related to the payment of fees and/or the provision of adequate wastewater facilities.
- UTIL-2** Prior to issuance of occupancy permits, the project applicant shall be required to install water-conserving fixtures within each dwelling unit.
- UTIL-3** Prior to issuance of occupancy permits, the project applicant shall install water mains and required delivery infrastructure to supply the proposed project with water as approved by the Town.
- UTIL-4** Prior to issuance of building permits, the project applicant shall construct storm drain facilities as approved by the Town Engineer.

REFERENCES

- LSA Associates, Inc., Noise Analysis, August 2007
LSA Associates, Inc., Air Quality Analysis, March 2007.
LSA Associates, Inc., Traffic Analysis, November 2011
LSA Associates, Inc. Cultural Resource Assessment, September 2006
LSA Associates, Inc. Paleontological Resource Assessment, October 2006

Soil Date Mart, 1998

RCA Associates, Inc., Biological Survey Report, September 3, 2011

California Department of Water Resources, Bulletin #118 (Critical Regional Aquifers), 1975

County of San Bernardino, Countywide Integrated Waste Management Plan, March 1995

Town of Apple Valley General Plan, 2009

Town of Apple Valley Climate Action Plan (CAP), 2010

Environmental Impact Report (EIR), Town of Apple Valley General Plan, 2009

County of San Bernardino Identified Hazardous Materials Waste Sites List, April 1998

Federal Emergency Management Agency Flood Insurance Rate Map and Flood Boundary Map

Mojave Desert Air Quality Management District, Mojave Desert Planning Area – Federal Particulate Matter (PM10) Attainment Plan, July 1995

Mojave Desert Air Quality Management District, Rule 403.2: Fugitive Dust Control Planning Area, July 1996

South Coast Air Quality Management District, CEQA Air Quality Handbook, 1993

Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4 Gov Code; Sections 21080 (c), 21080.1, 21080.3, 21082.1, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal. App. 3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal App. 4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4th at 1109; *San Franciscans Upholding the Downtown Plan v. County of San Francisco* (2002) 102 Cal. App. 4th 656.

TOWN COUNCIL RESOLUTION NO. 2012-13

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, OVERTURNING THE PLANNING COMMISSION'S DENIAL OF GENERAL PLAN AMENDMENT AND ZONE CHANGE NOS. 2010-02 AND TENTATIVE TRACT MAP NO. 18763, AND APPROVING A REQUEST FOR APPROVAL OF A GENERAL PLAN AMENDMENT TO CHANGE THE CURRENT LAND USE DESIGNATION OF (R-E) RESIDENTIAL ESTATE (1 DU PER 1 TO 2.5 GROSS ACRES) TO (R-SF) RESIDENTIAL SINGLE-FAMILY (1 DU PER 0.4 TO 0.9 NET ACRES) AND A ZONE CHANGE FROM THE CURRENT ZONING DESIGNATION (R-E) RESIDENTIAL ESTATE (1 DU PER 1 TO 2.5 GROSS ACRES) TO (R-SF) RESIDENTIAL SINGLE-FAMILY (1 DU PER 0.4 TO 0.9 NET ACRES) ZONING DESIGNATION. ASSUMING APPROVAL OF GPA/ZNC NO. 2010-02, THE APPLICANT HAS REQUESTED TO SUBDIVIDE THE TOTAL 135 ACRE SITE INTO 168 SINGLE-FAMILY LOTS, APNs: 3087-161-05 and 09

WHEREAS, United Engineering (the "Applicant") filed applications for General Plan Amendment and Zone Change Nos. 2010-02 a request for approval of a General Plan Amendment to change the current land use designation of (R-E) Residential Estate (1 du per 1 to 2.5 gross acres) to (R-SF) Residential Single-Family (1 du per 0.4 to 0.9 net acres), Zone Change from the current zoning designation (R-E) Residential Estate (1 du per 1 to 2.5 gross acres) to (R-SF) Residential Single-Family (1 du per 0.4 to 0.9 net acres) zoning designation and Tentative Tract Map No. 18763 to subdivide 135 acre site into 168 single-family lots, APNs: 3087-161-05 and 09; and

WHEREAS, on January 18, 2012, the Planning Commission of the Town of Apple ("Planning Commission") conducted duly noticed public hearings on the Application at which time all persons wishing to testify in connection with the proposed Application were heard, and the Application was comprehensively reviewed; and

WHEREAS, the Application was referred to all affected public agencies; and

WHEREAS, the Application was reviewed, studied, and was denied after the Planning Commission failed to reach a consensus; and

WHEREAS, a timely appeal of the denial of the Application was received by the Town Clerk ("Appeal"); and

WHEREAS, on March 27, 2012 the Town Council of the Town of Apple Valley ("Town Council") conducted a duly noticed public hearing on the Appeal at which time all persons wishing to testify in connection with the Appeal and the Application were heard; and

WHEREAS, the Appeal and the Application were comprehensively reviewed and considered and, following the March 27, 2012 public hearing, the Application was determined by the Town Council to be consistent with the Town's adopted General Plan and the requirements of the Town's Development Code; and

WHEREAS, the Application was reviewed, studied, and found to comply with the California Environmental Quality Act ("CEQA"); and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED, that in consideration of the evidence contained in the record and the information presented at the public hearing, the Town Council of the Town of Apple Valley, California, finds and determines as follows:

Section 1. The Recitals set forth above are true and correct and are incorporated herein by reference.

Section 2. Based on the entire record before the Town Council and all written and oral evidence presented, including the staff report, the Town Council hereby overturns the Planning Commission's denial of the Application and approves the Appeal for the reasons set forth below:

General Plan Amendment

1. The proposed General Plan amendment is consistent with the goals, policies and standards of all elements of the General Plan and will further those goals, policies and standards;

Comment: The proposed project is consistent with the goals, policies and standards of all General Plan Elements and will further their implementation. The subject property is suitable for development and will be a logical extension of single-family residential from the north, east and west. Development will occur in a sequential manner, adjacent to previously developed or developing areas and in ways which allow for clear linkages to circulation and other infrastructure systems. Single-family dwellings are compatible with Sitting Bull Elementary and Middle Schools. The proposed uses are complementary to the surrounding residential neighborhoods.

2. The General Plan, as amended, will comprise an integrated, internally consistent and compatible statement of policies for the Town;

Comment: The proposed General Plan Amendment is consistent with the Goals and Policies of both the Land Use Element and the Circulation Element of the General Plan. Since only the land use designation is being amended, the proposed amendment will comprise an integrated, internally consistent and compatible statement of policies for the Town.

3. The General Plan amendment furthers the public interest and promotes the general welfare of the Town by providing for a logical pattern of land uses and clarifying various land use policies for the Town.

Comment: The site is the proper location for the proposed development and is in the interest of public health, safety and general welfare. The project is consistent with surrounding land uses and circulation system. The project demonstrates good design principles that will benefit current and future community residents. The traffic from the proposed uses is compatible with the Town's adopted LOS C for major roads.

Zone Change

1. The proposed amendment is consistent with the General Plan.

Comment: The proposed project is consistent with the goals, policies and standards of all of the General Plan Elements and will further their implementation. The proposed Single-Family Residential zoning designation is consistent with the proposed Residential Single-Family General Plan Designation.

2. The proposed Amendment will not be detrimental to the public health, safety or welfare of the Town or its residents.

Comment: The request will not adversely affect the health, peace or comfort of persons residing in the area and will not be detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site. The proposed traffic mitigation measures allow the project to stay within the Town's adopted LOS C for impacted intersections and in fact help improve certain existing intersections.

Tentative Tract Map Findings

1. The proposed Subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and any applicable Specific Plan. The proposed subdivision or land use is compatible with the objectives, policies, general land uses and programs specified in the General Plan and any applicable Specific Plan (Subdivision Map Act 66473.5).

Comment: With the approval of the GPA/ZC No. 2010-02, the proposal to subdivide the property into 168 single-family lots, and with adherence to recommended conditions, will meet the minimum requirements for lot size, width and depth as prescribed by the Code for R-SF land use designation.

2. The Town Council has considered the effects of its action upon the housing needs of the region and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources (Subdivision Map Act Section 66412.3).

Comment: The proposal consists of a land subdivision located on vacant, residentially designated land for the purpose of future single-family residential development. The proposal will not result in the removal of a single-family residence. However, the proposal is creating 168 single-family residential lots for future development which will ultimately increase the Town's existing housing stock.

3. The design of the subdivision provides, to the extent feasible, for the future passive or natural heating or cooling opportunities in the subdivision.

Comment: The lots created under this subdivision are appropriate in size to provide natural heating and cooling opportunities for development of the site. As development occurs, the individual lots are subject to the implementation of natural heating and cooling requirements pursuant to Title 24 energy requirements and the Town's Climate Action Plan.

4. The Town Council shall determine whether the discharge of waste from the proposed subdivision into the existing sewer system would result in a violation of the requirements as set forth in Section 13000 et seq., of the California Water Code. If the Town Council finds that the proposed waste discharge would result in, or add to, a violation of said requirements; the Town Council may disapprove the subdivision (Subdivision Map Act Section 66474.6).

Comment: The project is a residential land subdivision and is required to connect to the Town of Apple Valley sewer system and requires approval of the Town of Apple Valley Public Works Division in order to meet the requirements of the Town.

Section 3. Based upon the information contained within the Initial Study and Mitigated Negative Declaration prepared in conformance with the State Guidelines to Implement the California Environmental Quality Act (CEQA), General Plan Amendment and Zone Change No. 2005-002 may have an impact upon the environment if not mitigated and, that based on the whole record, therefore, the Town Council of the Town of Apple Valley adopt the Mitigated Negative Declaration for General Plan Amendment and Zone Change No. 2010-02 and TTM No. 18763.

Section 4. Based on the entire record before the Town Council and all written and oral evidence presented, the Town Council finds that the Application complies with the requirements of CEQA.

Section 5. This Resolution shall become effective upon its adoption.

ADOPTED and **APPROVED** by the Town Council and signed by the Mayor and attested to by the Town Clerk this 27th day of March, 2012.

Honorable Barb Stanton, Mayor

ATTEST:

Ms. La Vonda M. Pearson, Town Clerk

TOWN COUNCIL RESOLUTION No. 2012-14

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, ADOPTING GENERAL PLAN AMENDMENT NO. 2010-02 A REQUEST FOR APPROVAL OF A GENERAL PLAN AMENDMENT TO CHANGE THE CURRENT LAND USE DESIGNATION OF (R-E) RESIDENTIAL ESTATE (1 DU PER 1 TO 2.5 GROSS ACRES) TO (R-SF) RESIDENTIAL SINGLE-FAMILY (1 DU PER 0.4 TO 0.9 NET ACRES), APNs: 3087-161-05 and 09

WHEREAS, the Town of Apple Valley is required to adopt and maintain a General Plan; and the General Plan, as amended, will comprise an integrated, internally consistent and compatible statement of policies for the Town; and

WHEREAS, the Town of Apple Valley has an adopted General Plan; and

WHEREAS, on March 27, 2012 the Town Council overturned the January 18, 2012, Planning Commission of the Town of Apple Valley denial of General Plan Amendment No. 2010-02; and

WHEREAS, on February 16, 2012, General Plan Amendment No. 2010-02 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act (CEQA) and State Guidelines for the Implementation of CEQA; and

WHEREAS, the Town Council finds on the basis of the whole record before it, including the Initial Study and Mitigation on file with the Economic and Community Development Department and any comments received that there is not substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Town Council's independent judgment and analysis, and

WHEREAS, the Town Council hereby finds that the Mitigated Negative Declaration reflects its independent judgment. A copy of the Initial Study and Mitigated Negative Declaration, including the Mitigation Monitoring Program may be obtained at: Town of Apple Valley, Planning Division, 14955 Dale Evans Pkwy., Apple Valley, CA 92307, and

WHEREAS, General Plan Amendment No. 2010-02 is consistent with the goals, policies and standards of all elements of the General Plan as amended and will further those goals, policies and standards; and

WHEREAS, the adoption of General Plan Amendment No. 2010-02 conforms with Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley and will promote the health, safety and general welfare of the citizens of the Town of Apple Valley, and the Findings and Comments for the General Plan Amendment set forth in the staff report are hereby adopted; and

WHEREAS, The Town Council conducted a duly noticed public hearing on March 27, 2012 and heard all testimony of any person wishing to speak on the issue and considered the written

recommendation of the Planning Commission on the matter.

NOW, THEREFORE, BE IT RESOLVED, that in consideration of the evidence received at the public hearing, and for the reasons discussed by the Town Council at said hearing, the Town Council of the Town of Apple Valley, California orders, determines and resolves as follows:

Section 1. Finds that the changes proposed under General Plan Amendment No. 2010-02 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan, as amended, and as amended will comprise an integrated, internally consistent and compatible statement of policies for the Town, and the Amendment will further the public interest and promote the general welfare of the Town by providing for a logical pattern of land uses.

Section 2 The Town Council hereby approves and adopts General Plan Amendment No. 2010-02, amending a portion of the Town of Apple Valley General Plan Land Use Map from Residential Estate (R-E) to Residential Single-Family (R-SF) as shown on attached Exhibit "A",

Section 3. Effective Date. This Resolution shall become effective immediately upon adoption by the Town Council of the Town of Apple Valley.

ADOPTED and **APPROVED** by the Town Council and signed by the Mayor and attested to by the Town Clerk this 27th day of March, 2012.

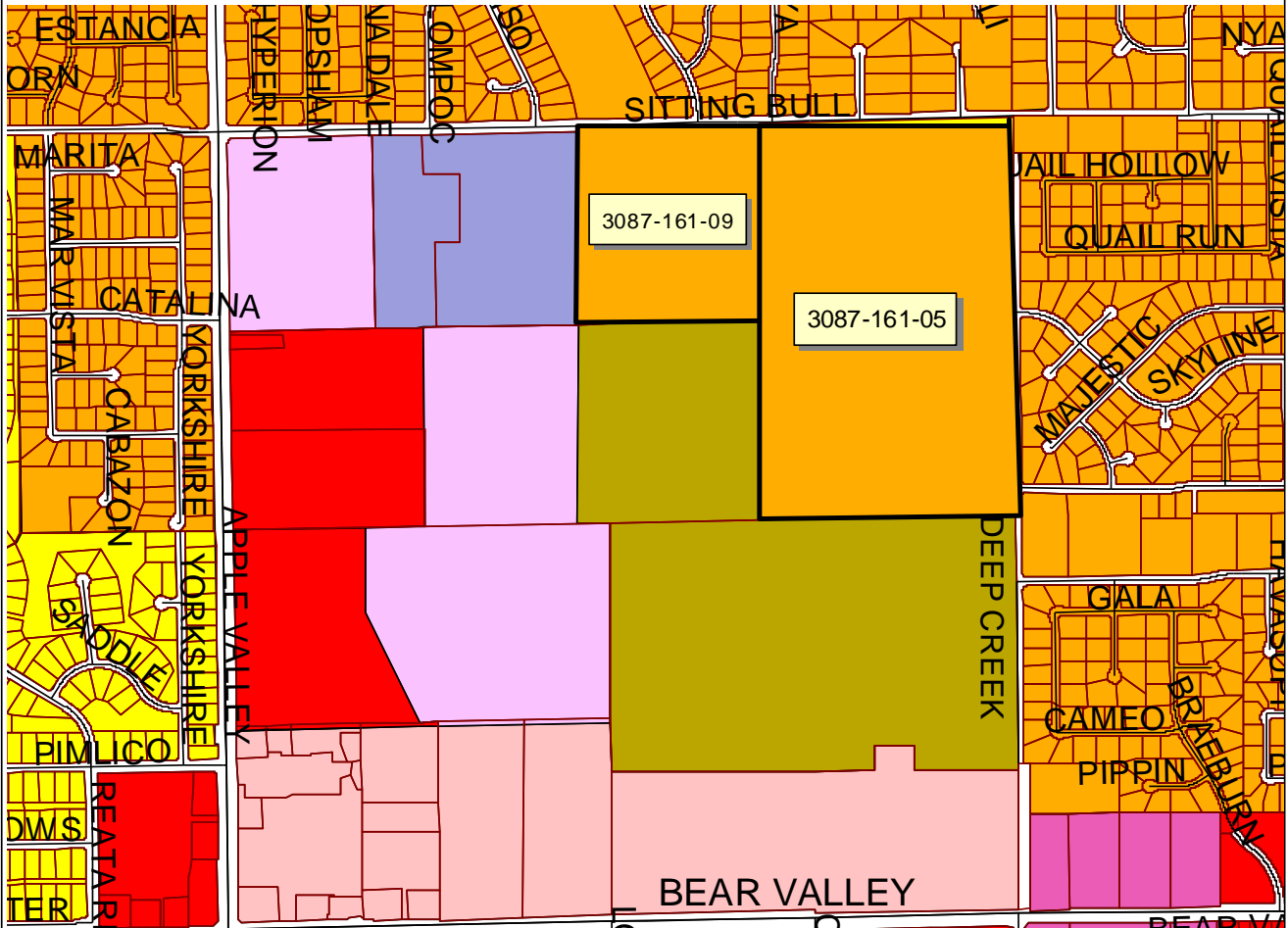
Honorable Barb Stanton, Mayor

ATTEST:

Ms. La Vonda M. Pearson, Town Clerk

Exhibit "A"

General Plan Amendment to Residential Single Family (R-SF) APNs 3087-161-05 & -09



Residential Districts

- (R-VLD) Very Low Density Residential (1du/5+ per gross acre)
- (R-A) Residential Agriculture (1du/2.5 gross ac)
- (R-LD) Low Density Residential (1 du/2.5 to 5 gross ac)
- (R-E) Estate Residential (1 du/1 to 2.5 gross ac)
- (RE-3/4) Estate Residential 3/4 (1 du/0.75 net ac)
- (R-EQ) Equestrian Residential (1 du/0.4 to 0.9 net ac)
- (R-SF) Single Family Residential (1du/0.4 to 0.9 net ac)
- (R-M) Multi-Family Residential (2 to 20 du/net ac)
- (MHP) Mobile Home Park
- (PRD) Planned Residential Development

Commercial/Office Districts

- (C-G) General Commercial
- (C-V) Village Commercial
- (C-S) Service Commercial
- (O-P) Office Professional
- (C-R) Regional Commercial

Industrial Districts

- (I-P) Planned Industrial
- (I-RE) Resource Extraction

Other Districts

- (P-F) Public Facilities
- (OS-C) Open Space Conservation
- (OS-R) Open Space Recreation
- (M-U) Mixed Use
- (SP) Specific Plan

Overlay Districts

- (A-1) Airport Overlay District
- (A-2) Airport Overlay District
- (F-H) Flood Hazard Overlay District
- (FH-L) Flood Hazard Lake Overlay District



ORDINANCE NO. 434

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING DESIGNATION FROM (R-E) RESIDENTIAL ESTATE (1 DU PER 1 TO 2.5 GROSS ACRES) TO (R-SF) RESIDENTIAL SINGLE-FAMILY (1 DU PER 0.4 TO 0.9 NET ACRES). APNs: 3087-161-05 and 09

WHEREAS, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

WHEREAS, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

WHEREAS, specific changes are proposed to Chapter 9.05, Section 9.05.040 "Adoption of the Official Zoning Districts Map" of Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley by amending the zoning designation from Residential Estate (R-E) to Residential Single-Family (R-SF) as shown on Exhibit "A", and incorporated herein by reference; and

WHEREAS, on February 16, 2012, Zone Change No. 2010-02 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, on March 27, 2012 the Town Council overturned the January 18, 2012, Planning Commission of the Town of Apple Valley denial of Zone Change No. 2010-02; and

WHEREAS, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act (CEQA) and State Guidelines for the Implementation of CEQA; and

WHEREAS, the Town Council finds on the basis of the whole record before it, including the Initial Study and Mitigation on file with the Economic and Community Development Department and any comments received that there is not substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Town Council's independent judgment and analysis, and

WHEREAS, the Town Council hereby finds that the Mitigated Negative Declaration reflects its independent judgment. A copy of the Initial Study and Mitigated Negative Declaration, including the Mitigation Monitoring Program may be obtained at: Town of Apple Valley, Planning Division, 14955 Dale Evans Pkwy., Apple Valley, CA 92307, and

WHEREAS, on March 27, 2012, the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearings on Zone Change No. 2010-02, receiving testimony from the public.

NOW, THEREFORE, the Town Council of the Town of Apple Valley, State of California, does ordain as follows:

Section 1. Zone Change No. 2010-02 is consistent with Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley, as amended and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

Section 2. In consideration of the evidence received at the public hearing, and for the reasons discussed by the Council at said hearing, the Town Council of the Town of Apple Valley, California, adopts the Findings and Comments for the Zone Change set forth in the Staff Report, and finds that the change proposed by Zone Change No. 2010-02 is consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan as amended, and with General Plan Amendment No. 2010-02.

Section 3. The Town Council hereby amends that certain portion of Title 9 (Development Code) of the Town of Apple Valley Municipal Code, Section 9.05.040 "Adoption of the Official Zoning Map" subsection "B" by amending the boundaries identified on the Official Zoning Map of the Town of Apple Valley by changing the zoning designation from Residential Estate (R-E) to Residential Single-Family (R-SF)) as shown on attached Exhibit "A", and incorporated herein by reference.

Section 4. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code of the State of California.

Section 5. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 6. Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Ordinance are declared to be severable.

ADOPTED by the Town Council and signed by the Mayor and attested to by the Town Clerk this 10th day of April, 2012.

ATTEST:

Honorable Barb Stanton, Mayor

Ms. La Vonda M. Pearson, Town Clerk

APPROVED AS TO FORM:

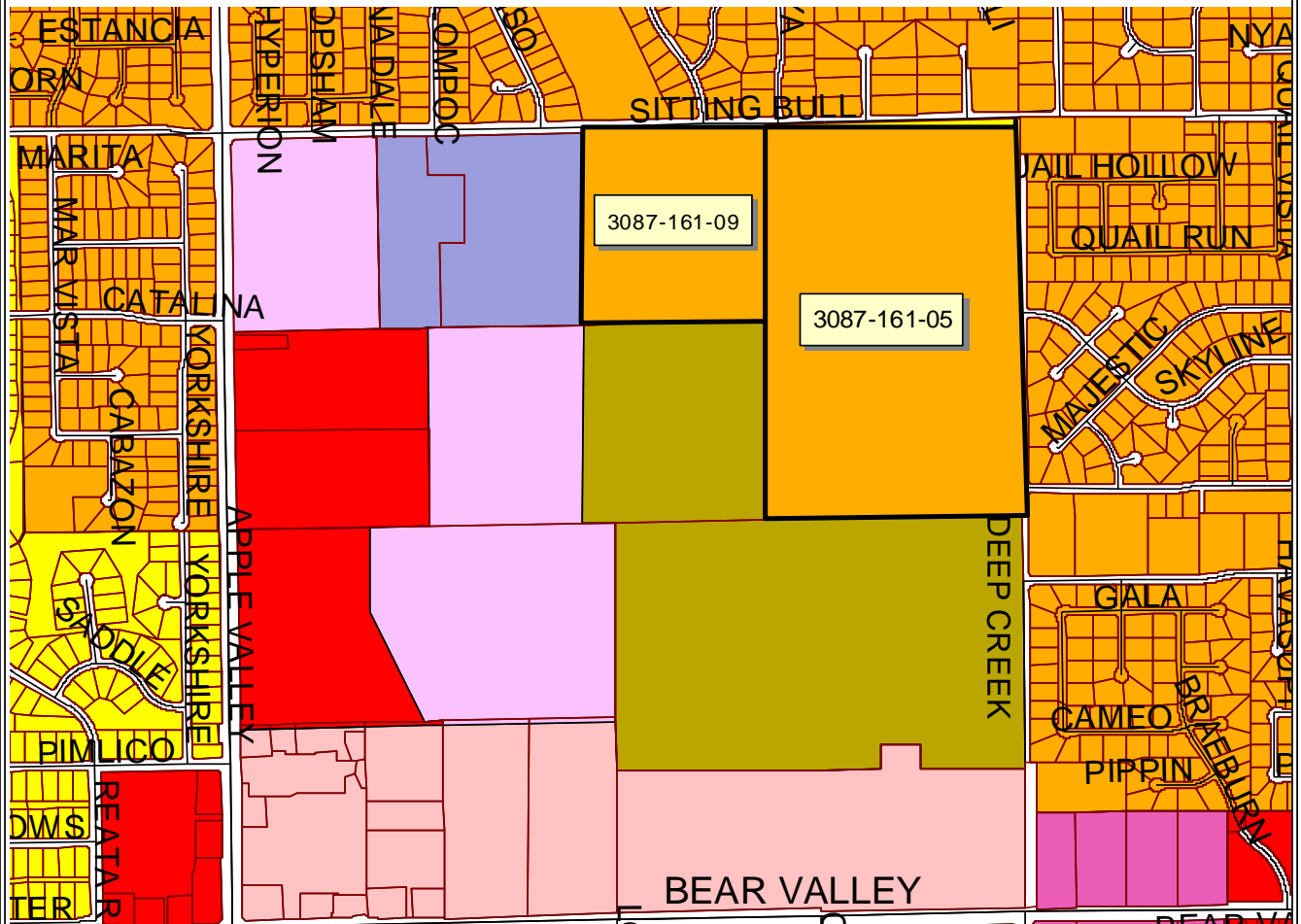
APPROVED AS TO CONTENT:

Mr. John Brown, Town Attorney

Mr. Frank Robinson, Town Manager

Exhibit "A"

Zone Change to Residential Single Family (R-SF) APNs 3087-161-05 & -09



- | | |
|---|--|
| <p>Residential Districts</p> <ul style="list-style-type: none"> (R-VLD) Very Low Density Residential (1 du/5+ per gross acre) (R-A) Residential Agriculture (1du/2.5 gross ac) (R-LD) Low Density Residential (1 du/2.5 to 5 gross ac) (R-E) Estate Residential (1 du/1 to 2.5 gross ac) (RE-3/4) Estate Residential 3/4 (1 du/0.75 net ac) (R-EO) Equestrian Residential (1 du/0.4 to 0.9 net ac) (R-SF) Single Family Residential (1 du/0.4 to 0.9 net ac) (R-M) Multi-Family Residential (2 to 20 du/net ac) (MHP) Mobile Home Park (PRD) Planned Residential Development <p>Commercial/Office Districts</p> <ul style="list-style-type: none"> (C-G) General Commercial (C-V) Village Commercial (C-S) Service Commercial (O-P) Office Professional (C-R) Regional Commercial | <p>Industrial Districts</p> <ul style="list-style-type: none"> (I-P) Planned Industrial (I-RE) Resource Extraction <p>Other Districts</p> <ul style="list-style-type: none"> (P-F) Public Facilities (OS-C) Open Space Conservation (OS-R) Open Space Recreation (M-U) Mixed Use (SP) Specific Plan <p>Overlay Districts</p> <ul style="list-style-type: none"> (A-1) Airport Overlay District (A-2) Airport Overlay District (F-H) Flood Hazard Overlay District (FH-L) Flood Hazard Lake Overlay District |
|---|--|

